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**FINAL**  
**CITY COUNCIL**  
  
**CITY OF WICHITA**  
**KANSAS**

City Council Meeting  
09:00 a.m. August 13, 2013

City Council Chambers  
455 North Main

**OPENING OF REGULAR MEETING**

- Call to Order
- Invocation
- Pledge of Allegiance
- Approve the minutes of the regular meeting on August 6, 2013

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**AWARDS AND PROCLAMATIONS**

- Service Award:  
  
Behrooz Rahbar

**I. PUBLIC AGENDA**

NOTICE: No action will be taken relative to items on this agenda other than referral for information. Requests to appear will be placed on a “first-come, first-served” basis. This portion of the meeting is limited to thirty minutes and shall be subject to a limitation of five minutes for each presentation with no extension of time permitted. No speaker shall be allowed to appear more frequently than once every fourth meeting. Members of the public desiring to present matters to the Council on the public agenda must submit a request in writing to the office of the city manager prior to twelve noon on the Tuesday preceding the council meeting. Matter pertaining to personnel, litigation and violations of laws and ordinances are excluded from the agenda. Rules of decorum as provided in this code will be observed.

1. Ben Lee -Gang violence and guns.
2. Mark Geitzen - Zoning of Abortion Facility on Kellogg and Bleckley.
3. Rob Rotola Pastor of the Living Word Church - Zoning issue at the Southwind Abortion Clinic.
4. Cheryl Sullenger - Zoning Issue for Business on Kellogg.
5. David Gittrich - Abortion Clinic.

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## **II. CONSENT AGENDAS (ITEMS 1 THROUGH 16)**

NOTICE: Items listed under the "Consent Agendas" will be enacted by one motion with no separate discussion. If discussion on an item is desired, the item will be removed from the "Consent Agendas" and considered separately

*(The Council will be considering the City Council Consent Agenda as well as the Planning, Housing, and Airport Consent Agendas. Please see "ATTACHMENT 1 – CONSENT AGENDA ITEMS" for a listing of all Consent Agenda Items.)*

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## **COUNCIL BUSINESS**

### **III. UNFINISHED COUNCIL BUSINESS**

None

### **IV. NEW COUNCIL BUSINESS**

1. Request for Letter of Intent for Industrial Revenue Bonds, Cessna Aircraft Company. (Districts III and IV)

RECOMMENDED ACTION: 1) Close the public hearing and approve a Letter of Intent to Cessna Aircraft Company for Industrial Revenue Bonds in an amount not-to-exceed \$513,600,000, subject to the Letter of Intent conditions, for a term of five-years (ending December 31, 2017); 2) approve a 100% tax abatement on all bond-financed property for an initial five-year period plus an additional five years following City Council review; and 3) authorize staff to apply for a sales tax exemption on bond-financed property.

2. Naming of a Portion of the Bike Path. (Districts III and IV)

RECOMMENDED ACTION: Approve the naming of the bike path between Kellogg and Watson Park on the west bank of the river "Thomas P. Allen, Jr. Pathway."

3. Edgemoor Swimming Pool Phase I. (District I) **(PULLED PER CITY MANAGER)**

4. 2012 and 2013 Playground Rehab/Development.

RECOMMENDED ACTION: Approve the project, adopt the Resolution, and authorize as required.

5. NLC Service Line Warranty Program.

RECOMMENDED ACTION: Consider participation in this program.

6. 2014 Annual Operating Budget and Revisions to the 2013 Budget.

RECOMMENDED ACTION: Close the public hearing and: 1) Approve the 2014 budgets and the second reading of the necessary budget ordinances; including those for the tax increment financing (TIF) districts and the self-supporting municipal improvement district (SSMID); 2) Approve amending the 2013 budget for the Water Fund and the Sewer Fund; 3) Approve the joint agreements with Sedgwick County; 4) Approve the use of local funds derived from property within the corporate limits for the Wichita State University Board of Trustees (Interlocal Agreement between the City and County); 5) Approve necessary budget adjustments, expenditure control levels, and budget administration procedures; and 6) Adopt the resolution declaring the need for budget-required layoffs; and 7) adopt the resolution to increase the landfill tipping fee to \$33 per ton.

(9:30 a.m. or soon thereafter)

7. Public Hearing: Repair or Removal of Dangerous and Unsafe Structures. (District III)

<u>Property Address</u>	<u>Council District</u>
a. 1023 South Wichita (front and rear structures)	III
b. 1906 South Pattie	III

RECOMMENDED ACTION: Close the public hearing, adopt the resolutions declaring the building a dangerous and unsafe structure, and accept the BCSA recommended action to proceed with condemnation, allowing 10 days to start demolition and 10 days to complete removal of the structure. Any extensions of time granted to repair the structure would be contingent on the following: (1) All taxes have been paid to date, as of August 13, 2013; (2) the structure has been secured as of August 13, 2013 and will continue to be kept secured; and (3) the premises are mowed and free of debris as of August 13, 2013, as will be so maintained during renovation.

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**COUNCIL BUSINESS SUBMITTED BY CITY AUTHORITIES**

**PLANNING AGENDA**

NOTICE: Public hearing on planning items is conducted by the MAPC under provisions of State law. Adopted policy is that additional hearing on zoning applications will not be conducted by the City Council unless a statement alleging (1) unfair hearing before the MAPC, or (2) alleging new facts or evidence has been filed with the City Clerk by 5p.m. on the Wednesday preceding this meeting. The Council will determine from the written statement whether to return the matter to the MAPC for rehearing.

**V. NON-CONSENT PLANNING AGENDA**

None

## **HOUSING AGENDA**

NOTICE: The City Council is meeting as the governing body of the Housing Authority for consideration and action on the items on this Agenda, pursuant to State law, HUD, and City ordinance. The meeting of the Authority is deemed called to order at the start of this Agenda and adjourned at the conclusion.

**Fern Griffith, Housing Member is also seated with the City Council.**

### **VI. NON-CONSENT HOUSING AGENDA**

None

## **AIRPORT AGENDA**

NOTICE: The City Council is meeting as the governing body of the Airport Authority for consideration and action on items on this Agenda, pursuant to State law and City ordinance. The meeting of the Authority is deemed called to order at the start of this Agenda and adjourned at the conclusion.

### **VII. NON-CONSENT AIRPORT AGENDA**

None

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## **COUNCIL AGENDA**

### **VIII. COUNCIL MEMBER AGENDA**

1. Approval of travel for Council Member Janet Miller and Council Member Lavonta Williams to attend the Visioneerings 2013 City to City Visit representing the City of Wichita in Des Moines, Iowa, September 25-27, 2013. (All expenses paid by the Council Members)

RECOMMENDED ACTION: Approve the travel.

2. Approval of travel expenses for Council Member Pete Meitzner to attend the Multi-State Intercity Passenger Rail Workshop in Arlington, Texas, August 20-21, 2013.

RECOMMENDED ACTION: Approve the expenditures.

3. Approval of travel expenses for Council Member Lavonta Williams to attend the Kansas Housing Conference in Lawrence, KS, August 29, 2013.

RECOMMENDED ACTION: Approve the expenditures.

**IX. COUNCIL MEMBER APPOINTMENTS**

1. Board Appointments.

RECOMMENDED ACTION: Approve the Appointments.

Adjournment

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(ATTACHMENT 1 – CONSENT AGENDA ITEMS 1 THROUGH 16)

**II. CITY COUNCIL CONSENT AGENDA ITEMS**

1. Report of Board of Bids and Contracts dated August 12, 2013.

- a. Report of Board of Bids.

RECOMMENDED ACTION: Receive and file report; approve Contracts;  
authorize necessary signatures.

2. Applications for Licenses:

<u>Special Event</u>	<u>2013</u>	<u>(Consumption on Premises)</u>
Country Crib	August 15, 2013	7310 East Kellogg

RECOMMENDED ACTION: Approve the licenses.

3. Applications for Licenses to Retail Cereal Malt Beverages:

<u>Renewal</u>	<u>2013</u>	<u>(Consumption off Premises)</u>
Rajesh Kumar Patel	Stop & Shop***	1826 West 13th St North
Amir Etezazi	CS2-Hillside***	248 South Hillside

\*\*\*Retailer (Grocery stores, convenience stores, etc.)

RECOMMENDED ACTION: Approve licenses subject to Staff review and approval.

4. Preliminary Estimates:

- a. Preliminary Estimates.

RECOMMENDED ACTION: Receive and file.

5. Change Order:

- a. Change Order No. 8 - Central Avenue from 135th to 119th Streets West. (District V)

RECOMMENDED ACTION: Approve the Change Orders and authorize the necessary signatures.

6. Property Acquisition:

- a. Acquisition of 511 South Webb for the Improvement of Kellogg Avenue, US Highway 54 from Cypress to Chateau. (District II)

RECOMMENDED ACTION: Approve budgets and Contracts; authorize necessary signatures.



7. Minutes of Advisory Boards/Commissions

Police and Fire Retirement System, May 22, 2013  
Wichita Employees' Retirement System, June 19, 2013

RECOMMENDED ACTION: Receive and file.

8. Contracts and Agreements for July 2013.

RECOMMENDED ACTION: Receive and file.

9. Notice of Intent to Use Debt Financing - Airfield High Reach Lift Vehicle Acquisition - Wichita Mid-Continent Airport.

RECOMMENDED ACTION: Adopt the Resolution and authorize the necessary signatures.

10. Water Main Crossing at 37th Street North and Oliver. (District I)

RECOMMENDED ACTION: Ratify the City Manager's approval of the project and authorize the necessary signatures.

11. 2014 Federal Edward Byrne Memorial Justice Assistance Grant (JAG).

RECOMMENDED ACTION: Approve the 2014 JAG award.

12. Second Reading Ordinances: (First Read August 6, 2013)

a. Second Reading Ordinances.

RECOMMENDED ACTION: Adopt the Ordinances.

## **II. CONSENT PLANNING AGENDA ITEMS**

NOTICE: Public hearing on planning items is conducted by the MAPC under provisions of State law. Adopted policy is that additional hearing on zoning applications will not be conducted by the City Council unless a statement alleging (1) unfair hearing before the MAPC, or (2) alleging new facts or evidence has been filed with the City Clerk by 5p.m. on the Wednesday preceding this meeting. The Council will determine from the written statement whether to return the matter to the MAPC for rehearing.

13. \*ZON2013-00015 – Zone change request from SF-5 Single-family Residential to TF-3 Two-family Residential and MF-18 Multi-family Residential, subject to Protective Overlay #276 that restricts Lots 7 and 8, Block 2, Terradyne West Addition to single-family, two-family or three-family residential uses, on property located at the intersection of North Brookhaven Drive and East Majestic Street. (District II)

RECOMMENDED ACTION: Adopt the findings of the MAPC, approve the zone change request subject to Protective Overlay #276 that limits the site to single-family, two-family or three-family residential uses, place the ordinance on first reading and authorize the Mayor to sign the ordinance (simple majority vote required).

14. \*SUB2013-00015 -- Plat of K96 and Greenwich North Addition located on the east side of Greenwich, south of 29th Street North. (District II)

RECOMMENDED ACTION: Approve the documents and plat, authorize the necessary signatures and place the Ordinance on first reading.

## **II. CONSENT HOUSING AGENDA ITEMS**

NOTICE: The City Council is meeting as the governing body of the Housing Authority for consideration and action on the items on this Agenda, pursuant to State law, HUD, and City ordinance. The meeting of the Authority is deemed called to order at the start of this Agenda and adjourned at the conclusion.

**Fern Griffith, Housing Member is also seated with the City Council.**

None

## **II. CONSENT AIRPORT AGENDA ITEMS**

NOTICE: The City Council is meeting as the governing body of the Airport Authority for consideration and action on items on this Agenda, pursuant to State law and City ordinance. The meeting of the Authority is deemed called to order at the start of this Agenda and adjourned at the conclusion.

15. \*Airfield High Reach Lift Vehicle Acquisition - Wichita Mid-Continent Airport.

RECOMMENDED ACTION: Approve the capital project budget.

16. *\*WAA Board of Bids and Contracts dated August 12, 2013.*

RECOMMENDED ACTION: Receive and file the report, approve the contracts, and authorize the necessary signatures.

**City of Wichita  
City Council Meeting  
August 13, 2013**

**TO:** Mayor and City Council

**SUBJECT:** Request for Letter of Intent for Industrial Revenue Bonds (Cessna Aircraft Company) (Districts III and IV)

**INITIATED BY:** Office of Urban Development

**AGENDA:** New Business

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**Recommendation:** Close the public hearing and approve the Letter of Intent to issue Industrial Revenue Bonds.

**Background:** Since 1990, the City of Wichita has issued \$1,245,277,000 principal amount of Industrial Revenue Bonds (“IRBs”) to finance the expansion and modernization of Cessna Aircraft Company (“Cessna”) facilities in Wichita. Along with the IRBs, the City Council approved a five-plus-five-year 100% ad valorem tax exemption for all Cessna property financed with bond proceeds.

On November 14, 2006, the City of Wichita approved a Letter of Intent (“LOI”) to issue annual IRBs in a total not-to-exceed amount of \$800,000,000 for a period of five years. The LOI was extended by the City Council in 2011 and 2012 to accommodate Cessna’s annual IRB issues.

Cessna is now requesting that a new five year LOI be approved to facilitate the issuance of IRBs in an amount not-to-exceed \$513,600,000.

**Analysis:** Cessna Aircraft Company continues to invest in its products, its service network and its workforce despite the economic downturn that has impacted general aviation. Cessna has committed to ongoing product innovations including the introductions of the new Citation X, the new Citation Sovereign, Citation Latitude and Citation Longitude. These products respond to continued customer need and provide additional options, including a new option – the Longitude - on the larger end of the Citation family of business jets. The new Latitude and Longitude business jets and changes to existing models require new and updated machinery and equipment as well as additional investment in facilities. The Longitude enhances the upper end of the Citation product offering. It is anticipated that a significant amount of the bond proceeds will be utilized to ramp up production of these new lines.

Bond proceeds will be utilized to finance expansion and upgrading of facilities located at Cessna Wichita, including technology and manufacturing equipment to accommodate increased personnel and space required to develop and manufacture the four business jet aircraft produced in Wichita.

As a result of the expansions, Cessna will add at least 50 new jobs over the next five years at an average annual salary of \$52,143.

An analysis of the proposed uses of IRB funds for the new Letter of Intent is:

Building & Improvements	\$ 63,800,000
Furniture, fixtures and tooling, miscellaneous	<u>449,800,000</u>
Total Cost of Project	\$ 513,600,000

**Financial Considerations:** Cessna Aircraft Company agrees to pay all costs of issuing the bonds and agrees to pay the City's \$2,500 annual IRB administrative fee for the term of the bonds. Under the City's Economic Development Incentive policy, the Company qualifies for a 100% five-year tax exemption on property financed with bond proceeds, plus a second five-year exemption subject to City Council review and approval based upon the total dollar amount of capital investment.

A cost/benefit analysis was performed by Wichita State University's Center for Economic Development and Business Research based upon the proposed Letter of Intent, with the following cost/benefit ratios:

City of Wichita	4.00 to one
City General Fund	1.81 to one
City Debt Service Fund	N/A
Sedgwick County	3.73 to one
USD 259	1.83 to one
USD 261	1.84 to one
State of Kansas	4.19 to one

Due to boundary changes for school districts, effective July 2012, the Cessna property is split between USD 259 and USD 261. A majority of Cessna's property is located within industrial districts and, as such, is outside the corporate limits of the City of Wichita and is subject to a non-annexation agreement between the City and Cessna. The balance of Cessna's property is leased from the Wichita Airport Authority and, as such, is not subject to ad valorem taxation.

**Legal Considerations:** The law firm of Gilmore & Bell, PC will serve as bond counsel in the transaction. The form of bond documents shall be subject to review and approval by the Law Department prior to the issuance of any bonds. Cessna agrees to comply with the City's Standard Letter of Intent conditions.

**Recommendations/Actions:** It is recommended that the City Council: 1) close the public hearing and approve a Letter of Intent to Cessna Aircraft Company for Industrial Revenue Bonds in an amount not-to-exceed \$513,600,000, subject to the Letter of Intent conditions, for a term of five-years (ending December 31, 2017); 2) approve a 100% tax abatement on all bond-financed property for an initial five-year period plus an additional five years following City Council review; and 3) authorize staff to apply for a sales tax exemption on bond-financed property.

**Attachments:** Letter of Intent request.



August 2, 2013

Mayor and Members of the City Council  
City of Wichita  
City Hall - 455 North Main  
Wichita, KS 67202

Re: Proposed \$513,600,000 City of Wichita, Kansas  
Industrial Revenue Bonds  
(Cessna Aircraft Company)

Dear Mayor Brewer and Council Members:

This letter supersedes and replaces our letters of January 18<sup>th</sup> and May 20<sup>th</sup>, 2013.

This letter is to request approval by the governing body of the City of Wichita, Kansas, of a new Letter of Intent to issue its Industrial Revenue Bonds in an amount not to exceed \$513,600,000 over the period ending December 31, 2017. The proceeds of the proposed Bonds will be used to finance the cost of acquiring, modifying and equipping manufacturing facilities, purchasing machinery and equipment and related capital investments in the Wichita aircraft manufacturing facilities and operations of Cessna Aircraft Company and its wholly owned subsidiaries (the "Applicant"). The proposed amount includes estimated costs for self-constructed tooling assuming that it is not otherwise tax exempt as may be clarified by the Kansas legislature.

1. Name and Address of Applicant.

Cessna Aircraft Company  
One Cessna Blvd.  
Wichita, Kansas 67215  
Telephone: (316) 517-6367  
Attention: Vice President, General Counsel and Secretary

2. A General Description of the Nature of the Business of the Proposed Applicant.

Cessna is the world's leading general aviation company based on unit sales with two principal lines of business: Aircraft sales and aftermarket services. Aircraft sales include Citation jets, Caravan single-engine utility turboprops, single-engine piston aircraft and lift solutions by CitationAir. Aftermarket services include parts, maintenance, inspection and repair services. Revenues in the Cessna segment accounted for approximately 26%, 24% and 32% of Textron Inc.'s total revenues in 2011, 2010 and 2009, respectively.

Cessna Aircraft Company, One Cessna Blvd., Bldg. C1, Wichita, KS 67215  
Mailing Address: P. O. Box 7704, Wichita, KS 67277-7704

The family of jets currently produced by Cessna includes the Mustang, Citation CJ2+, Citation CJ3, Citation CJ4, Citation XLS+, Citation Sovereign and Citation X. Deliveries of the New Citation X model, with updated design and performance, are expected to begin in the second half of 2013. In addition, Cessna announced several new business jet aircraft since 2011: the Citation M2, the Citation Latitude, Citation Longitude and new Citation Sovereign. The Citation M2 is positioned between the Mustang and the CJ2+ and is expected to receive Federal Aviation Administration (FAA) certification and begin deliveries in 2013. The Citation Latitude is positioned between the Citation XLS+ and the Sovereign and is expected to receive FAA certification and enter into service in 2015. The Citation Longitude is positioned above the New Citation X and expected to enter into service in 2017. The New Citation Sovereign is the first change we have made to the Sovereign since the initial design took off in 2002. The New Sovereign will be more versatile, offering better wet runway performance, and more advanced avionics to the customer. It will have an improved rate of climb and an increased range.

The Cessna Caravan is the world's best-selling utility turboprop. Caravans are offered in five models: the Grand Caravan, the Grand Caravan EX, the Super Cargomaster, the Caravan 675 and the Caravan Amphibian. Caravans are used in the United States primarily for overnight express package shipments and for personal transportation. International uses of Caravans include humanitarian flights, tourism and freight transport.

Cessna offers several models in its single-engine piston product line, which include the Skycatcher, the Skyhawk, the new Turbo Skylane JT-A, the Turbo Stationair and the new Corvalis TTX.

The Citation family of aircraft currently is supported by 15 Citation Service Centers owned or operated by Cessna or co-located with Bell Helicopter, along with authorized independent service stations and centers located in more than 27 countries throughout the world. Cessna-owned Service Centers provide customers with 24-hour service and maintenance. Cessna also provides around-the-clock parts support for Citation aircraft. Cessna recently developed an array of service options for Citation aircraft, known as SERVICEDIRECT<sup>®</sup>, which delivers service capabilities directly to customer locations, including a Mobile Service Unit fleet of 21 vehicles in North America and three in Europe. Cessna Caravan and single-engine piston customers receive product support through independently owned service stations and around-the-clock parts support through Cessna.

Cessna markets its products worldwide through its own sales force, as well as through a network of authorized independent sales representatives, depending upon the product line. Cessna has several competitors domestically and internationally in various market segments. Cessna's aircraft compete with other aircraft that vary in size, speed, range, capacity and handling characteristics on the basis of price, product quality and reliability, product support and reputation.

### 3. Key Officers and Employees of Proposed Applicant

#### DIRECTORS

Scott Ernest  
Eric Salander  
Blake A. Meyen

#### OFFICERS

Scott Ernest	President and CEO
Eric Salander	Sr. V.P., and CFO (and Treasurer)
Roxanne M. Bernstein	Sr. V.P., Marketing
Joe Hepburn	Sr. V.P., Customer Service
Ronald W. Draper	Sr. V.P., Integrated Supply Chain
Cynthia A. Halsey	Sr. V.P., Interior Design
Jodi S. Noah	Sr. V.P., Cessna Single Engine/Propeller Aircraft

Cessna Aircraft Company, One Cessna Blvd., Bldg. C1, Wichita, KS 67215  
Mailing Address: P. O. Box 7704, Wichita, KS 67277-7704



William J. Schultz	Sr. V.P., Business Development - China
Kriya C. Shortt	Sr. V.P., Sales - Jets
Michael D. Thacker	Sr. V.P., Engineering
Douglas Bradley Thress	Sr. V.P., Cessna Business Jets
James H. Walters	Sr. V.P., Human Resources
Blake A. Meyen	V.P., General Counsel and Secretary
W. M. Anderson	V.P., Military & Government Programs
William S. Harris	V.P., Sales (Asia/Asia Pacific)
Robert J. King	V.P., Chief Information Officer
Tom Perry	V.P., Sales (EMEA)
Gary L. Snyder, II	V.P., Controller and Assistant Treasurer
Sherry L. York	Assistant Secretary
Ann Thompson Willaman	Assistant Secretary
Jenny L. Simmons	Assistant Treasurer
James C. Cournoyer	Assistant Treasurer
Brian Swiszc	Assistant Treasurer
Christopher Iver Johnson	Assistant Treasurer

4. The Dollar Amount of the Bonds Requested.

The total principal amount of the Bonds requested is \$513,600,000.

5. Estimated Costs of the Project.

Buildings and improvements	\$63,800,000
Furniture, fixtures, machinery, equipment and tooling miscellaneous and contingencies	\$449,800,000
Total	<u>\$513,600,000</u>

6. Name and Address of Proposed Counsel to be Utilized In Connection with the Issuance of the Bonds.

The Applicant understands that Gilmore Bell has been designated as the Issuer's contract bond counsel.

Issuer's Bond Counsel

Gilmore Bell  
 One Main Place  
 100 North Main, Suite 800  
 Wichita, Kansas 67202  
 Telephone: (316) 267-2091  
 Attention: Joe L. Norton

Applicant's General Counsel  
Cessna Aircraft Company  
Blake A. Meyen  
One Cessna Blvd.  
Wichita, Kansas 67215  
Telephone: (316) 517-6367

7. A Statement Relative to Ad Valorem Taxes.

The Applicant requests that the property purchased and constructed with the proceeds of the Bonds be exempted from Kansas ad valorem property taxes for a five (5) year period commencing the year after the year in which the Bonds are issued, with a consideration at the discretion of the City Council for an additional five (5) years of abatement in the future, and that sales of property purchased from proceeds of the Bonds be exempt from Kansas retail sales tax in accordance with Kansas law.

8. Administrative Service Fee Agreement.

The Applicant agrees to make a payment to the City to reimburse the City for administrative costs in the amount of \$2,500 per year commencing one year after the delivery of the bonds. In addition, the Applicant will pay all costs of the City relative to the issuance of the Bonds.

9. Brief Statement With Respect to Benefits.

As of the date of this letter, Applicant employs approximately 5,427 people at its Wichita locations. As described above, despite the overall condition of the current business aviation market, Applicant continues to invest in new products, research, and development that will result in an even stronger demand for new Cessna products in the future. The Applicant estimates that it may hire 50 new employees in its Wichita operations during the period covered by the letter of intent. However, the Applicant cannot make any guarantees in that regard as it is dependent on many factors not within the Applicant's control, including general economic conditions and the overall demand for general aviation aircraft.

10. Brief Statement Relative to the Effects of the Proposed Expansion on the Ambient Air Quality of the City of Wichita and Sedgwick County.

The proposed expansion will have no effect on the ambient air quality of the City of Wichita and Sedgwick County, nor are there any other anticipated adverse environmental effects. The Applicant will agree to comply with the City's policies and requirements relating to environmental matters.

11. A Brief Statement With Respect to Equal Employment Opportunity.

The Applicant will comply with all policies of the City of Wichita with respect to equal employment opportunity.

12. Arrangements for Sale of the Bonds.

It is anticipated that the Applicant or its parent Textron Inc. will purchase the Bonds.



13. Financial Information.

The 2012 Annual Report of Textron Inc. was previously provided on May 20, 2013.

It is requested at this time that the City Council authorize the Mayor to execute a Letter of Intent for and on behalf of the City whereby the City indicates its intent to issue not to exceed \$513,600,000 of its Industrial Revenue Bonds for the purposes described herein. Applicant respectfully requests that such Letter of Intent remain in force for a period ending December 31, 2017.

Applicant is aware that such a Letter of Intent is only an indication of the intent of the City to issue the proposed Bonds to assist in financing the expansion and that such Letter of Intent is subject in all respects to the governing body's final approval of the terms and provisions of the Bond Ordinance, Trust Indenture, Lease Agreement, Guaranty Agreement and other related documents. However, upon issuance of such Letter of Intent, Applicant is prepared to proceed in reliance thereon. Should there be any further questions or information which the City may require in evaluating this application, we will be most happy to discuss such matters.

Respectfully submitted,

CESSNA AIRCRAFT COMPANY

By: 

Name: Blake A. Meyen

Title: Vice President, General  
Counsel and Secretary

cc: Joe Norton  
Jim Walters  
Allen Bell  
Patricia Bradley  
Winton Hinkle

**City of Wichita  
City Council Meeting  
August 13, 2013**

**TO:** Mayor and City Council

**SUBJECT:** Naming of a Portion of the Bike Path (District III and IV)

**INITIATED BY:** Department of Park and Recreation

**AGENDA:** New Business

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**Recommendations:** Approve the naming of a portion of the bike path.

**Background:** Thomas P. Allen, Jr., served in the City of Wichita's Park and Recreation Department beginning in 1947 as a part-time seasonal employee until he retired as the Department Director in 1984. He was instrumental in several Park and Recreation improvements and additions during his tenure as Director. Many recreation centers, bike paths, tennis courts, swimming pools and golf courses were built or improved under his term. In May 2006, the Board of Park Commissioners heard a request from Mr. Allen's family to name a park facility or path in his honor and recommended to City Council to name a bike path in his honor. This recommendation was denied by City Council because Mr. Allen was not deceased. In May 2007, the Board of Park Commissioners unanimously voted to support naming a park facility after Mr. Allen upon his death. In October 2012, the Board of Park Commissioners was notified that Mr. Allen had passed away in the summer. The Board unanimously voted to recommend naming the bike path from Kellogg to Watson Park on the west bank of the river in honor of Mr. Allen.

**Analysis:** City Council Policy #13 establishes the Board of Park Commissioners as the official naming committee for parks, recreation facilities, pathways, and golf courses. It was determined by the Board that the requirements set forth in City Council Policy #13 were met by this request, including but not limited to: the person being considered for the honor is deceased; contributed to the creation and improvement of many park facilities during his tenure in the Park and Recreation Department; and is remembered after his death for his actions.

**Financial Considerations:** There will be minimal impact to the General Fund through the in-house manufacture of two signs to be placed at either end of the pathway.

**Legal Considerations:** The Law Department has reviewed and approved the action as valid and in compliance with City Council Policy #13.

**Recommendation/Actions:** It is recommended that the City Council approve the naming of the bike path between Kellogg and Watson Park on the west bank of the river "Thomas P. Allen, Jr. Pathway."

**Attachments:** Aerial Map.



***Thomas P. Allen Jr. Memorial Bike Path***  
***Arkansas River, Kellogg to Watson Park***



**City of Wichita  
City Council Meeting  
August 13, 2013**

**TO:** Mayor and City Council Members

**SUBJECT:** 2012 and 2013 Playground Rehab/Development (All Districts)

**INITIATED BY:** Department of Park and Recreation

**AGENDA:** New Business

---

**Recommendations:** Approve the project.

**Background:** The 2011-2020 Capital Improvement Program (CIP) adopted by the City Council includes funding to develop and rehabilitate playgrounds in the City's park system. Playgrounds are inspected by a trained employee on a routine basis to ensure the safety of all equipment and surfacing. Priorities for rehabilitation and development are adjusted as warranted based on the current condition of the inspections. This project will allow for the construction of new playgrounds and the renovation of existing playgrounds and safety surfacing including the renovation of the rubber safety surfacing on the thirty playgrounds constructed with this material, which make the play systems Americans with Disabilities Act (ADA) compliant.

**Analysis:** This ongoing project will provide playground improvements throughout the City. Current priorities include rehabilitating the east playground at Dr. Glen Dey Park and constructing a new playground at Central and Grove, as requested by the Elm Neighborhood Association. Additional playgrounds will receive upgrades utilizing part of these funds as identified through inspections.

**Financial Considerations:** The 2012 CIP contains \$100,000 and the 2013 CIP contains \$100,000 for Playground Rehab/Development, totaling \$200,000. The funding source is General Obligation Bonds.

**Legal Considerations:** The Law Department has approved the authorizing Resolution as to form.

**Recommendation/Actions:** It is recommended that the City Council approve the project, approve the Resolution and authorize signatures as required.

**Attachments:** Bonding Resolution.

**RESOLUTION NO. 13-151**

A RESOLUTION AUTHORIZING THE ISSUANCE OF BONDS BY THE CITY OF WICHITA AT LARGE FOR PLAYGROUND REHABILITATION AND DEVELOPMENT.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WICHITA, KANSAS;

SECTION 1: That the City of Wichita finds it necessary to make certain related improvements as follows:

Labor, material, and equipment for playground improvement and rehabilitation, including rehabilitation of the east playground at Dr. Glen Dey Park (District I); construction of a new playground at Central and Grove (District I); playground upgrades (All Districts).

SECTION 2: That the cost of said public improvements shall be paid by the issuance and sale of general obligation bonds by the City of Wichita at large, in the manner provided by law and under the authority of City of Wichita Charter Ordinance No. 156. The total cost is estimated not to exceed \$200,000 exclusive of the costs of interest on borrowed money.

SECTION 3: That the advisability of said improvements is established as authorized by City of Wichita Charter Ordinance No. 156.

SECTION 4: That this resolution shall take effect and be in force from and after its passage and publication once in the official city paper.

ADOPTED at Wichita, Kansas, this 13th day of August, 2013.

\_\_\_\_\_  
CARL BREWER, MAYOR

ATTEST:

\_\_\_\_\_  
KAREN SUBLETT, CITY CLERK

(SEAL)

APPROVED AS TO FORM:

\_\_\_\_\_  
GARY REBENSTORF, DIRECTOR OF LAW



**Agenda Item No. IV-5**

**City of Wichita  
City Council Meeting  
August 13, 2013**

**TO:** Mayor and City Council

**SUBJECT:** NLC Service Line Warranty Program (All Districts)

**INITIATED BY:** City Manager's Office

**AGENDA:** New Business

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**Recommendation:** Staff recommends City Council consideration of this program.

**Background:** City staff and City Council Members have been approached by a representative of Utility Service Partners, Inc. (USP) and are being asked to consider participation in the National League of Cities (NLC) Service Line Warranty Program. The NLC Service Line Warranty Program, administered by USP, provides residential customers with affordable warranty protection for both water and sewer lines. This program is offered at no cost to the City and is an initiative of the National League of Cities.

Residents who have not set aside money to pay for an unexpected, expensive utility line repair have an opportunity to obtain a warranty that will provide repairs for a monthly fee, with no deductibles or service fees. The work is performed by licensed, City based plumbers who will call the customer within one hour of filing the claim. USP provides a personally staffed 24/7 repair hotline for residents, 365 days per year. Consumer warranty contracts are month-to-month and there is no cancellation fee for the resident should they decide to terminate participation.

**Analysis:** USP will cover the portion of the lateral water and sewer line that is the responsibility of the homeowner. Both warranty programs provide repair and replacement of broken or leaking lines, including cleanouts. The specifics of each warranty program are as follows:

- The Water Line Warranty provides for the repair or replacement of a single, buried, outside waterline that runs from the point of the utility connection or responsibility to the foundation of the home. This warranty provides coverage of up to \$4,000 for each water line repair plus an additional \$500 for public sidewalk cutting if needed.
- The Sewer Line Warranty provides for the repair or replacement of a single, buried, outside sewer line that runs from the foundation of the home to the main line. This warranty provides coverage of up to \$4,000 for each sewer line repair and an additional \$4,000 per repair should the City make the homeowner responsible for the portion of the line that rests in the public right-of-way.

USP reports that the NLC Service Line Warranty Program has an average customer enrollment rate of 15% to 20% in year one. Typical residential participation rates range from 25% to 35% after several campaigns. This program has been adopted by over 175 cities nationwide.

Before USP offers the warranty program, they seek the endorsement of the municipality. As part of the endorsement, cities are required to enter into a marketing agreement with USP. The agreement grants USP the

ability to use its name and logo on letterhead and marketing materials that are sent to residents. The cost associated with marketing the program is the responsibility of USP and the City will have the ability to review and approve the marketing materials. The City will be held harmless from any loss, claim, liability, damage or expense associated with this program. Additionally, USP will compensate the City its endorsement.

**Financial Considerations:** The City will receive an initial payment of \$75,000 paid over three years. In addition, a percentage “royalty” is offered based upon customer participation (50 cents per household, per month, per product sold). There is no local cost for participating in the program.

**Legal Considerations:** The Law Department has reviewed and approved the agreement as to form.

**Recommendations/Actions:** It is recommended that the City Council consider participation in this program.

**Attachment:** Agreement

July 29, 2013

Mayor Carl Brewer  
City of Wichita, KS  
455 N. Main, 1<sup>st</sup> Floor  
Wichita, KS 67202

**RE: Marketing Agreement with Utility Service Partners Private Label, Inc. d/b/a Service Line Warranties of America ("SLWA")**

Dear Mayor Brewer:

We have discussed entering into a marketing agreement between the City of Wichita, Kansas (the "City") and SLWA.

SLWA provides affordable utility service line warranties to consumers. It is SLWA's understanding that, in consideration of the bonus license payments and License Fees (as defined below) to be paid by SLWA to City, City has agreed to cooperate with SLWA in marketing SLWA's services to City's residents and homeowners (the "Residents") as described below:

1. City hereby grants to SLWA a non-exclusive license to use City's logo on outside envelopes used for marketing materials to be sent to the Residents according to an agreed distribution schedule, and to allow its name to be listed as a participating jurisdiction in advertising, all at SLWA's sole cost and expense and subject to City's prior review and approval, which will not be unreasonably conditioned, delayed, or withheld. The parties agree that the City shall not be presented in any way as an active endorser of the warranties provided.
2. As consideration for such license, SLWA will pay to City, within thirty (30) days of the end of the final calendar quarter, a royalty of Fifty Cents (\$.50) for each individual warranty subscription, for every month that individual warranty subscription remains in force and for which payment is received by SLWA during such calendar year (the "License Fee"), plus all bonus license payments then due. SLWA also agrees to provide an accompanying statement certifying the calculation of the License Fees and bonus license payments. SLWA will continue to pay the License Fees and bonus license payments so long as this marketing agreement remains in effect. City will have the right, at its expense, to conduct an annual audit, upon reasonable notice and during normal business hours, of SLWA's books and records pertaining to sales to the Residents while this marketing agreement is in effect and for one year after any termination of this marketing agreement.
3. The term of this marketing agreement will be for one year from the date of the execution of the acknowledgement below and this agreement. This agreement may be renewed upon the mutual agreement of the parties. City may terminate this marketing agreement 30 days after giving notice to SLWA that SLWA is in material breach of this agreement if such breach is not cured during such 30-day period. SLWA will be permitted to complete any marketing initiative initiated or planned prior to the effective date of any termination of this marketing agreement and shall pay the License Fees and bonus license payments to the City for the calendar year in which



this marketing agreement is terminated along with all other obligations due after which time, except for SLWA's obligation to permit City to conduct an audit as described above, SLWA's obligation to pay any unpaid payments discovered by audit, and its indemnity agreement with the City set out below in section 5, which shall survive this agreement, neither party will have any further obligations to the other and the license described in this letter will terminate.

4. City and SLWA agree that this marketing agreement shall include the provisions set forth in the attached Addendum as though they were fully set forth herein. SLWA agrees to comply with all Federal, State and local laws, ordinances and regulations, including Title VII of the Civil Rights Act of 1964, and to both offer and provide its warranty services without regard to race, color, religion, national origin, sex, age, disability or ancestry of Residents.

5. SLWA shall indemnify, hold harmless, and defend City, its elected officials, appointed officials, and employees from and against any loss, claim, liability, damage, or expense that any of them may suffer, sustain or become subject to in connection with any third party claim (each a "Claim") in connection with, arising out of or by reason of this marketing agreement or SLWA's failure to satisfy the warranties contracted with Residents, provided that the applicable indemnitee notifies SLWA of any such Claim within a time that does not prejudice the ability of SLWA to defend against such Claim. Any indemnitee hereunder may participate in its, his, or her own defense, but will be responsible for that indemnitee's individual costs incurred, including reasonable attorneys' fees for attorneys under contract to that indemnitee, in connection with such participation in such defense.

If City agrees that the foregoing fully and accurately describes the agreement between City and SLWA, please arrange to have a duly authorized representative of City execute and date the acknowledgement below in each of the duplicate original versions of this letter and return one to me in the enclosed self-addressed stamped envelope.

If you have any questions or wish to further discuss this marketing agreement, please do not hesitate to contact Brian Davis via email at [bdavis@utilitysp.net](mailto:bdavis@utilitysp.net) or by phone at 214-476-3430.

Very truly yours,

Utility Service Partners Private Label, Inc.

By: 

Print Name: Philip E. Riley, Jr.

Title: President & CEO

By: 

Print Name: Brad H. Carmichael

**Acknowledged and Agreed:**

City hereby acknowledges and agrees that the foregoing letter fairly and accurately describes the agreement between City and SLWA as of the date of this acknowledgement.

**City of Wichita, KS:**

By: \_\_\_\_\_

Date: \_\_\_\_\_

Carl Brewer, Mayor

The above instrument approved as to form

this 2<sup>nd</sup> day of August, 2013

Gary E. Roberts / JMR  
City Attorney

SLWA Service Line Warranty Program  
Wichita, Kansas  
Term Sheet  
July 29, 2013

- I. Term of agreement
  - a. Initial term – September 1, 2013 to August 31, 2014
- II. Monthly License Fee - \$0.50 per product sold
  - a. City logo on outer envelope
  - b. USP signature letter to resident
- III. Products offered
  - a. External water line warranty
  - b. External sewer line warranty
- IV. Marketing Campaigns – two seasonal campaigns per year (Spring and Fall)
  - a. 2013 Fall
    - i. Sewer
  - b. 2014 Spring
    - i. Water
  - c. 2014 Fall
    - i. Sewer
  - d. 2015 Spring
    - i. Water
  - e. 2015 Fall
    - i. Sewer
  - f. 2016 Spring
    - i. Water
- V. Pricing
  - a. Water
    - i. Year 1 - \$5.75 per month; \$64.00 annually
    - ii. Year 2 - \$5.75 per month; \$64.00 annually (subject to annual review; limited to \$0.25 per month increase)
    - iii. Year 3 - \$5.75 per month; \$64.00 annually (subject to annual review; limited to \$0.25 per month increase)
  - b. Sewer
    - i. Year 1 - \$8.75 per month; \$100.00 annually
    - ii. Year 2 - \$8.75 per month; \$100.00 annually (subject to annual review; limited to \$0.25 per month increase)
    - iii. Year 3 - \$8.75 per month; \$100.00 annually (subject to annual review; limited to \$0.25 per month increase)
- VI. Bonus license payments – initial payment would be made 15 months following the mailing of the first campaign letter, and annually thereafter. The bonus license payment for the final year of a contract term that is not extended by renewal shall be pro-rated on a monthly basis. Penetration rate is defined as the number of products enrolled divided by the number of households mailed.

- a. First year
  - i. Penetration rate is greater than 15% but less than 18% - \$10,000
  - ii. Penetration rate is greater than 18% but less than 20% - \$15,000
  - iii. Penetration rate is greater than 20% - \$25,000
- b. Second year
  - i. Penetration rate is greater than 20% but less than 22% - \$15,000
  - ii. Penetration rate is greater than 22% - \$25,000
- c. Third year
  - i. Penetration rate is greater than 22% but less than 25% - \$15,000
  - ii. Penetration rate is greater than 25% - \$25,000

**City of Wichita  
City Council Meeting  
August 13, 2013**

**TO:** Mayor and City Council  
**SUBJECT:** 2014 Annual Operating Budget and Revisions to the 2013 Budget  
**INITIATED BY:** City Manager's Office  
**AGENDA:** New Business

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**Recommendations:** Approve the 2014 proposed and 2013 amended budgets; adopt the resolution; and approve the City-County joint agreements.

**Background:** The 2014 Proposed Budget was formulated with citizen input and feedback from the City Council during workshop sessions, District Advisory Board meetings, and a community budget presentation. The City Council has held public hearings on the proposed 2014 budget. On July 13, 2013, the City Council placed the budget ordinances on first reading, authorized the publication of the hearing notices, and set August 13, 2013 as the official budget hearing and adoption date.

**Analysis:** The proposed 2014 annual operating budget was officially published at \$557,404,122 – including all Tax Increment Financing (TIF) Funds, the Self-Supporting Municipal Improvement District (SSMID) Fund, and applicable appropriated reserves. Including interfund transactions increases this amount to \$690,863,229. The inclusion of expendable trust funds is an additional \$84,036,042 for a total of \$774,899,271.

The total taxes levied for the General Fund and Debt Service Fund total \$101,569,480, including \$74,994,520 for the General Fund and \$26,574,960 for the Debt Service Fund. The total estimated mill levy of 32.471 mills remains unchanged from the 2013 budget, subject to the County Clerk's finalization of the assessed valuation and the certification of the mill levies later this year. The SSMID Fund is included in the proposed budget, with taxes levied totaling \$564,989, assuming a mill levy rate of 6.042 mills, the same as the 2013 budget.

The 2014 Budget also includes a total of six TIF Funds, two environmental TIFs (Gilbert & Mosley and North Industrial Corridor) and four economic development TIFs (East Bank, 21<sup>st</sup> & Grove, Old Town Cinema, and Northeast Redevelopment). A combined \$5,731,894 is estimated to be derived from property tax increments.

**Jointly Funded Budgets.** The General Fund includes City of Wichita contributions to the jointly funded City-County budgets, as identified in the table below.

<b>2014 Proposed Budget</b>	<b>City Share</b>	<b>County Share</b>	<b>Other Revenue</b>	<b>Total Revenue</b>
<b>Flood Control</b>	1,020,209	1,020,209	0	2,040,418
<b>Metropolitan Area Planning</b>	740,341	740,341	182,343	1,663,025

It is necessary for the City Council to approve joint agreements to continue these functions. The County Commission is expected to likewise approve the County share of these functions.

**2013 Revised Budget.** In addition to action on the 2014 Budget, it is requested that action be taken to amend last year's 2013 Adopted Budget – as contained in the current proposed budget submitted to the

City Council. These increases are related to the Water Fund and the Sewer Fund, and are increases in 2013 due primarily a change in Governmental Accounting Standards Board (GASB) treatment of bond issuance costs. Previously, these were capitalized and then spread over the term of the bonds in the form of debt service. Under the new rules, these costs are now fully expended in the year of issuance. This has no impact on total issuance costs, only the timing of those costs.

**Budget Administration** - To implement the 2013 Revised budget, staff will take steps as outlined on pages 39-41 of the Proposed Budget, to ensure that the policy direction of the City Council is implemented. These steps include: establishing expenditure control levels for each department at the accounting character level; processing administrative budget adjustments in specific cases to implement Council direction; transferring amounts between funds as included in the council approved budget, subject to available funding; establishing authorized position counts based on positions approved and funding within the 2013 Revised Budget; and processing internal service fund charges consistent with the adopted budget and policy direction. Subsequent to the Council adoption of the budget, staff will prepare and submit budget certification forms with necessary adjustments to comply with state requirements.

**Resolution Declaring Need for Budget-Required Layoffs** - The City of Wichita is anticipating continued economic stress throughout 2014. The budget is based on revenue and expenditure projections consistent with this outlook. A net total of 13 full time positions are budgeted for elimination in the 2013 Revised and 2014 Proposed Budget. This could result in layoffs. In addition, fund compliance with the Cash Basis Law, bond covenants and bond coverage ratios, and decreased activity could require layoffs of City staff. Consistent with past Council policy, efforts will be made to minimize layoffs to the greatest extent possible, although bargaining union contracts will largely dictate the layoff process for represented positions.

**Landfill Tipping Fee Increase** - The Proposed Budget includes an increase of \$1 in the tipping fee charged at the City's Construction and Demolition Landfill, with this additional \$1 retained by the City. Revenue from the Landfill funds a reserve for any post closure liability, as well as operational costs of the landfill, the costs for securing additional capacity, and the cost of other City environmental and cleanup programs. The fee was last raised on August 21, 2012, to a total of \$32 and this rate is currently being charged. However, the resolution on file in the City Clerk's Office (Resolution 12-198) was not updated for that Council action, so to correct this technical error, the current resolution indicates a \$2 increase in the fee, to a total of \$33.

**Financial Considerations:** Approval of the publication of the notice of formal hearing on July 16, 2013 set the maximum dollars that may be expended in each fund. The City Council may reduce expenditures required (and proposed tax dollars to be levied) but not increase expenditures previously established and published.

**Legal Considerations:** Publication requirements of State law for the final (formal) public hearing have been met. Following final Council action on the proposed budget, proper certification will be made of the property taxes to be levied in conformity with State law. The proposed City/County agreements and resolutions have been approved as to form by the Law Department.

**Recommendation:** It is recommended that the City Council close the public hearing and:

- (1) Approve the 2014 budgets and the second reading of the necessary budget ordinances; including those for the tax increment financing (TIF) districts and the self-supporting municipal improvement district (SSMID);
- (2) Approve amending the 2013 budget for the Water Fund and the Sewer Fund;
- (3) Approve the joint agreements with Sedgwick County;

- (4) Approve the use of local funds derived from property within the corporate limits for the Wichita State University Board of Trustees (Interlocal Agreement between the City and County);
- (5) Approve necessary budget adjustments, expenditure control levels, and budget administration procedures;
- (6) Adopt the resolution declaring the need for budget-required layoffs; and
- (7) Adopt the resolution to increase the landfill tipping fee to \$33 per ton.

**Attachments:**

Interlocal Agreement – Planning  
Interlocal Agreement – Flood Control  
Resolution Declaring the Need for Budget-Required Layoffs  
Resolution Increasing the Landfill Tipping Fee

RESOLUTION NO. 13-152

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING INCREASING TIPPING FEES FOR CONSTRUCTION & DEMOLITION WASTE DISPOSED AT BROOKS LANDFILL IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF INCREASING TIPPING FEES AT BROOKS LANDFILL IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That it is necessary and in the public interest to increase tipping fees for construction and demolition waste transported for disposal at Brooks Landfill.

SECTION 2. That the cost of said tipping fees provided for in Section 1 hereof shall be increased from Thirty-One Dollars (\$31) per ton, to Thirty-Three Dollars (\$33) per ton. Said cost as above set forth is hereby increased as of September 1, 2013, exclusive of all other conditions and requirements.

SECTION 3. That all costs of said tipping fees, when ascertained, shall be assessed against the owner/operator of the privately owned hauled waste transporter that is transporting waste with the intention of disposing of said waste herewith at the Brooks Landfill facility.

SECTION 4. That the method of apportioning all tipping fees of said construction and demolition waste shall be distributed as follows:

Sixteen Dollars (\$17) per ton allocated to the City of Wichita

Fourteen Dollars (\$15) per ton allocated to the Landfill Operations Contractor – Herzog Environmental

One Dollar (\$1) per ton allocated to the State of Kansas as required by State Permit Conditions. SECTION

SECTION 5. That all other conditions stipulated in the contract between GGH Wichita, LLC and the City of Wichita, approved on February 12, 2013 shall apply.

SECTION 6. Be it further resolved that the above-described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 7. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

PASSED by the governing body of the City of Wichita, Kansas, this 13<sup>th</sup> day of August, 2013.

---

CARL BREWER, MAYOR

ATTEST:

---

KAREN SUBLETT, CITY CLERK  
(SEAL)



APPROVED AS TO FORM:

---

GARY E. REBENSTORF  
DIRECTOR OF LAW

## **RESOLUTION NO. 13-146**

### **A RESOLUTION OF THE CITY OF WICHITA, KANSAS DECLARING THE NEED FOR BUDGET-REQUIRED FURLOUGHES AND LAYOFFS.**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WICHITA, KANSAS:

SECTION 1. The United States was in a recession from December 2007 to June 2009, as defined by the National Bureau of Economic Research. However, in the three years since the recession officially ended, unemployment levels still are significantly above pre-recession levels.

SECTION 2. Economic activity in the City of Wichita typically lags activity in the United States, and over 15,000 aircraft workers have been laid off from area manufacturers during this downturn.

SECTION 3. The property valuation change for 2014 as estimated by the County Clerk's Office is at .5%. Since 2009, total valuation for the five year period has actually decreased by .6%. Activity levels in some City departments have been reduced due to the economic downturn, leading to overcapacity in some situations; organizational adjustments necessitated by decreased revenues have created the need to reorganize management and operational structures in some departments. These circumstances and decreased revenues could threaten the orderly operations of the City and its departments.

SECTION 4. The City must maintain adequate cash balances in its many funds due to, among other reasons, the Cash Basis Law, bond covenants, and general cash flow requirements. Based on decreased revenues, decreased activity or increased expenditures in other areas the necessary cash balances in some funds could be threatened without certain effective actions.

SECTION 5. Approximately 37% of the total City budget and 74% of the General Fund budget are salary and benefit expenditures.

SECTION 6. NOW THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE GOVERNING BODY OF THE CITY OF WICHITA, THAT: The Budget for the City of Wichita's January 1, 2014 through December 31, 2014 Budget Year is such that it may not accommodate scheduled 2014 salaries without layoffs, furloughs and other actions to reduce salary and benefit costs. The City Manager is directed to implement budget-required layoffs, furloughs and other necessary actions to reduce expenditures as needed.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF WICHITA, this 13<sup>th</sup> day of August, 2013.

---

CARL BREWER, MAYOR

ATTEST:

---

KAREN SUBLETT, CITY CLERK

(SEAL)

APPROVED:

---

GARY REBENSTORF, DIRECTOR OF LAW

AGREEMENT

between

CITY OF WICHITA, KANSAS

and

SEDGWICK COUNTY, KANSAS

for

WICHITA-SEDGWICK COUNTY FLOOD CONTROL

WHEREAS, it is necessary that agreement on the joint funding and management of the Wichita-Sedgwick County Flood Control operation become effective as of January 1, 2014; and

WHEREAS, pursuant to K.S.A. 19-3301 et seq., contracts have previously been approved creating a Flood Control operation.

NOW, THEREFORE, the City of Wichita and the County of Sedgwick agree as follows:

In funding the budget year 2014, the County shall contribute the sum of \$1,020,209, and the City shall contribute the sum of \$1,020,209.

All revenues, fees, charges or assessments collected by the Flood Control operation shall be credited to the County and City in the same percentage as their respective annual operations contributions. The remaining unencumbered funds at the end of the year 2014 shall be distributed back to the parties in the same proportion.

All aspects of the operation and administration for the Wichita-Sedgwick County Flood Control operation will continue the same as in the year 2013.

This Agreement is intended to supplement all previous budget agreements regarding the Wichita-Sedgwick County Flood Control operation and to the extent any provisions shall conflict, the terms and provisions thereof shall control.

IN WITNESS THEREOF, the Board of County Commissioners of Sedgwick County, Kansas, has approved this Agreement this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

Commissioners present and voting:

DAVID M. UNRUH  
TIM R. NORTON  
KARL PETERJOHN  
RICHARD RANZAU  
JAMES SKELTON

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

BOARD OF COUNTY COMMISSIONERS  
OF SEDGWICK COUNTY, KANSAS

ATTEST:

\_\_\_\_\_  
James Skelton, Chairman  
Fifth District

\_\_\_\_\_  
Kelly Arnold, County Clerk

\_\_\_\_\_  
David M. Unruh, Commissioner  
First District

APPROVED AS TO FORM:

\_\_\_\_\_  
Tim R. Norton, Commissioner  
Second District

\_\_\_\_\_  
Richard A. Euson  
County Counselor

\_\_\_\_\_  
Karl Peterjohn, Commissioner  
Third District

\_\_\_\_\_  
Richard Ranzau, Commissioner  
Fourth District

\_\_\_\_\_  
IN WITNESS WHEREOF, the City of Wichita, Kansas has approved this

Agreement this\_\_\_\_\_day of \_\_\_\_\_, 2013.

City of Wichita, KANSAS

By \_\_\_\_\_  
Carl Brewer, Mayor

ATTEST:

\_\_\_\_\_  
Karen Sublett, City Clerk

Approved as to Form:

\_\_\_\_\_  
Gary E. Rebenstorf, Director of Law

AGREEMENT

between

CITY OF WICHITA, KANSAS

and

SEDGWICK COUNTY, KANSAS

For

WICHITA-SEDGWICK COUNTY METROPOLITAN PLANNING DEPARTMENT

WHEREAS, it is necessary that agreement on the joint funding and management of the Wichita-Sedgwick County Metropolitan Planning Department become effective as of January 1, 2014; and

WHEREAS, there have previously been adopted ordinances and resolutions as required by former K.S.A. 12-716, et seq., creating a Joint Planning Department.

NOW THEREFORE, the City of Wichita and the County of Sedgwick agree as follows:

In funding the budget year 2014, the County shall contribute the sum of \$740,341, and the City shall contribute the sum of \$740,341.

All revenues, fees, charges or assessments collected by the Wichita-Sedgwick County Metropolitan Area Planning Department shall be credited to the County and City in the same percentage as their respective annual contributions. The remaining unencumbered funds at the end of the year 2014 shall be distributed back to the parties in the same proportion.

All aspects of operation and administration for the Wichita-Sedgwick County Metropolitan Area Planning Department will continue the same as in year 2013, except that no salary increase shall be granted to the Director of the Wichita-Sedgwick County Metropolitan Area Planning Department absent review and recommendation by the Sedgwick County Board of County Commissioners.

This agreement is intended to supplement all previous budget agreements regarding the Wichita-Sedgwick County Metropolitan Area Planning Department and to the extent any provisions shall conflict, the terms and provisions thereof shall control.

IN WITNESS THEREOF, the Board of County Commissioners of Sedgwick County, Kansas, has  
approved this Agreement this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

Commissioners present and voting:

DAVID M. UNRUH	_____
TIM R. NORTON	_____
KARL PETERJOHN	_____
RICHARD RANZAU	_____
JAMES SKELTON	_____

BOARD OF COUNTY COMMISSIONERS  
OF SEDGWICK COUNTY, KANSAS

ATTEST:

\_\_\_\_\_  
James Skelton, Chairman  
Fifth District

\_\_\_\_\_  
Kelly Arnold, County Clerk

\_\_\_\_\_  
David M. Unruh, Commissioner  
First District

APPROVED AS TO FORM:

\_\_\_\_\_  
Tim R. Norton, Commissioner  
Second District

\_\_\_\_\_  
Richard A. Euson  
County Counselor

\_\_\_\_\_  
Karl Peterjohn, Commissioner  
Third District

\_\_\_\_\_  
Richard Ranzau, Commissioner  
Fourth District



\_\_\_\_\_  
IN WITNESS WHEREOF, the City of Wichita, Kansas has approved this Agreement this  
\_\_\_\_\_ day of \_\_\_\_\_, 2013.

City of Wichita, KANSAS

By \_\_\_\_\_  
Carl Brewer, Mayor

ATTEST:

\_\_\_\_\_  
Karen Sublett, City Clerk

Approved as to Form:

\_\_\_\_\_  
Gary E. Rebenstorf, Director of Law

City of Wichita  
City Council Meeting  
August 13, 2013

**TO:** Mayor and City Council

**SUBJECT:** Repair or Removal of Dangerous & Unsafe Structures  
(District III)

**INITIATED BY:** Metropolitan Area Building and Construction Department

**AGENDA:** New Business

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**Recommendations:** Adopt the resolution.

**Background:** On June 25, 2013, a report was submitted with respect to the dangerous and unsafe conditions on the properties listed below. The City Council adopted a resolution providing for a public hearing to be held on the condemnation actions at 9:30 a.m. or soon thereafter, on August 13, 2013.

**Analysis:** On June 3, 2013, the Board of Building Code Standards and Appeals (BBCSA) held hearings on the properties listed below

<b><u>Property Address</u></b>	<b><u>Council District</u></b>
a. 1023 South Wichita (front and rear structures)	III
b. 1906 South Pattie	III

Detailed information/analyses concerning these properties are included in the attachments.

**Financial Considerations:** Structures condemned as dangerous buildings are demolished with funds from the Metropolitan Area Building and Construction Department (MABCD) Special Revenue Fund contractual services budget, as approved annually by the City Council. This budget is supplemented by an annual allocation of federal Community Development Block Grant funds for demolition of structures located within the designated Neighborhood Reinvestment Area. Expenditures for dangerous building condemnation and demolition activities are tracked to ensure that City Council Resolution No. R-95-560, which limits MABCD expenditures for non-revenue producing condemnation and housing code enforcement activities to 20% of MABCD's total annual budgeted Special Revenue Fund expenditures, is followed. Owners of condemned structures demolished by the City are billed for the contractual costs of demolition, plus an additional \$500 administrative fee. If the property owner fails to pay, these charges are recorded as a special property tax assessment against the property, which may be collected upon subsequent sale or transfer of the property.

**Legal Considerations:** The resolutions and notices of hearing have been reviewed and approved as to form by the Law Department.

**Recommendations/Actions:** It is recommended that the City Council close the public hearing, adopt the resolutions declaring the buildings to be dangerous and unsafe structures, and accept the BBCSA recommended actions to proceed with condemnation, allowing 10 days to start demolition and 10 days to complete removal of the structures. Any extensions of time granted to repair any structures would be contingent on the following: (1) all taxes have been paid to date as of August 13, 2013; (2) the structures have been secured as of August 13, 2013, and will continue to be kept secured; and (3) the premises are mowed and free of debris as of August 13, 2013, and will be so maintained during renovation.

If any of the above conditions are not met, the Metropolitan Area Building and Construction Department will proceed with demolition action and also instruct the City Clerk to have the resolutions published once in the official city paper and advise the owner of these findings.

**Attachments:** Memorandums to Council, case summaries, and resolution.

**DATE: July 31, 2013**

**CDM SUMMARY**

**COUNCIL DISTRICT # III**

**ADDRESS: 1023 S WICHITA (FRONT & REAR)**

**LEGAL DESCRIPTION: LOTS 49 AND 51, AND SOUTH 5 FEET OF LOT 53, ON WICHITA STREET, KELSCH 2ND ADDITION TO WICHITA, SEDGWICK COUNTY, KANSAS**

**DESCRIPTION OF STRUCTURE: A one story frame dwelling about 30 x 70 feet in size. Vacant for at least 6 months, this structure has been damaged by fire. It has fire damaged wood lap siding; fire damaged composition roof, with missing shingles; deteriorated rear porch; exposed, fire damaged framing members; and the two story, 20 x 30 foot accessory dwelling is dilapidated.**

Description of dangerous or unsafe condition(s): The property is found to be dangerous and unsafe because of the following conditions:

- A. Those, which have been damaged by fire, wind, want of repair, or other causes so as to have become dangerous to life, safety, morals or the general health and welfare of the occupants or the people of the city.**
- B. The structure fails to provide the necessities to decent living, which makes it, unfit for human habitation.**
- C. Those open to unauthorized persons or those permitted to be attractive to loiterers, vagrants, or children.**
- D. Those whose use, equipment or want of good housekeeping constitutes a decided fire or safety hazard to the property itself or its occupants or which presents a decided fire or safety hazards to surrounding property or a menace to the public safety and general welfare.**

City Ordinance states that any one of the above categories is just cause to declare the building a public nuisance and shall be repaired or demolished.

---

Director of Metropolitan Area Building and Construction Department  
Enforcing Officer

---

Date

**DATE: July 31, 2013**

**BCSA GROUP # 1**

**ADDRESS: 1023 S WICHITA (FRONT & REAR)**

**ACTIVE FIELD FILE STARTED: July 20, 2010 - main, front structure, March 27, 2000 – rear accessory building.**

**NOTICE(S) ISSUED:** Since July 20, 2010 a notice of improvements and several violation notices have been issued on the front structure. In August of 2012, this structure was damaged by fire. Since March 27, 2000, notices of improvements and numerous violation notices have been issued on the rear structure. There have been several court cases against the rear structure since 2009. There have been five nuisance cases on this property, starting in 2008. The last nuisance case, in 2012, resulted in a partial lot clean-up by the City's contractor.

**PRE-CONDEMNATION LETTER: January 28, 2013**

**TAX INFORMATION:** The 2010, 2011 and 2012 taxes are delinquent in the amount of \$3,260.49, which includes specials and interest.

**COST ASSESSMENTS/DATES:** There is a special assessment for lot cleanup in the amount of \$579.00.

**PREMISE CONDITIONS:** Tall grass and weeds were mowed by the City contractor.

**VACANT NEGLECTED BUILDING REPORT:** No current case.

**CENTRAL INSPECTION NUISANCE ABATEMENT REPORT:** A nuisance abatement lot cleanup on November 15, 2012 of bulky waste, salvage material, tree waste and scattered debris at a cost of \$520.00. The abatement was stopped by the owner, before it could be completed. Lot mowing completed on June 16, 2013 at a cost of \$123.50.

**POLICE REPORT:** 44 reports dating back to 2008, as follows: 1 aggravated burglary, residence in 2009; 2 burglary, residence in 2010 and 2013; battery in May 2011; 8 incidences of domestic violence, battery from 2008 to 2012; 1 simple assault, domestic violence in 2011; 3 intimidation reports 2008 to 2011; 1 indecent exposure in 2011; 1 stalking in 2008; 1 disorderly conduct in 2008; 2 violations of District Court order 2010 and 2011; 1 destruction of property, domestic violence in 2009; 2 destruction of property in 2009 and 2011; 15 miscellaneous reports between 2008 and 2012; 1 mental case in 2010; 1 larceny A in 2012; and 1 larceny B in 2009.

**FORMAL CONDEMNATION ACTION INITIATED: March 28, 2013**

**RECENT DEVELOPMENTS:** No repairs to either structure. There is an active building permit for the front structure. Both structures are open. Staff has been contacted by the mortgage holders who are deciding whether to foreclose. The owner is incarcerated.

**HISTORIC PRESERVATION REPORT: No Impact.**

**OWNER'S PAST CDM HISTORY: None**

**BOARD OF B. C.S. &A. RECOMMENDATION:** At the June 3, 2013 Board of Building Code Standards and Appeals, no one appeared to represent the property and Board Member Crotts made a motion to send the property to the City Council with a recommendation of condemnation, with ten days to start demolition and ten days to complete the demolition. Board Member Webb seconded the motion. The motion passed.

**STAFF RECOMMENDATION/REMARKS:** Adopt the recommendation of the Board of Code Standards and Appeals. However, any extensions to repairs would be providing that all provisions of City Council Policy 33 are complied with. If any of these conditions are not met, staff is directed to proceed to let for bids to demolish the structure.

**DATE: July 31, 2013**

**CDM SUMMARY**

**COUNCIL DISTRICT # III**

**ADDRESS: 1906 S PATTIE**

**LEGAL DESCRIPTION: LOTS 6 AND 8, ON PATTIE AVENUE, WALTER MORRIS AND SON'S FIFTH ADDITION TO WICHITA, SEDGWICK COUNTY, KANSAS**

**DESCRIPTION OF STRUCTURE: A one story frame dwelling about 30 x 48 feet in size. Vacant and open, this structure has fire damaged and missing wood shingle siding; fire damaged composition roof with holes; exposed, fire damaged framing members; fire damaged, dilapidated addition; rotted and missing fascia; and fire damaged wood trim.**

Description of dangerous or unsafe condition(s): The property is found to be dangerous and unsafe because of the following conditions:

- A. Those, which have been damaged by fire, wind, want of repair, or other causes so as to have become dangerous to life, safety, morals or the general health and welfare of the occupants or the people of the city.**
- B. The structure fails to provide the necessities to decent living, which makes it, unfit for human habitation.**
- C. Those open to unauthorized persons or those permitted to be attractive to loiterers, vagrants, or children.**
- D. Those whose use, equipment or want of good housekeeping constitutes a decided fire or safety hazard to the property itself or its occupants or which presents a decided fire or safety hazards to surrounding property or a menace to the public safety and general welfare.**

City Ordinance states that any one of the above categories is just cause to declare the building a public nuisance and shall be repaired or demolished.

---

Director of Metropolitan Area Building and Construction Department  
Enforcing Officer

---

Date

**DATE: July 31, 2013**

**BCSA GROUP # 1**

**ADDRESS: 1906 S PATTIE**

**ACTIVE FIELD FILE STARTED: July 31, 2012, as a result of a fire.**

**NOTICE(S) ISSUED: Since July 31, 2012 a notice of improvements and a violation notice have been issued.**

**PRE-CONDEMNATION LETTER: March 15, 2012**

**TAX INFORMATION: The 2012 taxes are delinquent in the amount of \$467.15, which includes interest.**

**COST ASSESSMENTS/DATES: None**

**PREMISE CONDITIONS: The tall grass and weeds have been mowed by the City contractor, there is still bulky waste and tree debris on the premises.**

**VACANT NEGLECTED BUILDING REPORT: None**

**CENTRAL INSPECTION NUISANCE ABATEMENT REPORT: Lot mowing completed on June 16, 2013 at a cost of \$123.50.**

**POLICE REPORT: 4 reports between 2008 and 2012 as follows: 2 burglary residence in 2009 and 2012; 1 destruction of auto with firearm in 2008; and 1 miscellaneous report in 2009.**

**FORMAL CONDEMNATION ACTION INITIATED: March 28, 2013**

**RECENT DEVELOPMENTS: No repairs made. The structure is open.**

**HISTORIC PRESERVATION REPORT: No Impact.**

**OWNER'S PAST CDM HISTORY: None**

**BOARD OF B. C.S. &A. RECOMMENDATION:** At the June 3, 2013 Board of Building Code Standards and Appeals, no one appeared to represent the property, and Board Member Redford made a motion to submit the property to the City Council with a recommendation of condemnation, with ten days to begin wrecking the structure and ten days to complete the razing. Board Member Willenberg seconded the motion. The motion carried.

**STAFF RECOMMENDATION/REMARKS:** Adopt the recommendation of the Board of Code Standards and Appeals. However, any extensions to repairs would be providing that all provisions of City Council Policy 33 are complied with. If any of these conditions are not met, staff is directed to proceed to let for bids to demolish the structure.



Wichita, Kansas  
August 12, 2013  
10:00 a.m., Monday  
Conference Room, 12<sup>th</sup> Floor

**MINUTES - BOARD OF BIDS AND CONTRACTS\***

The Board of Bids and Contracts met with Martha Strayer, Administrative Assistant, Public Works Engineering in the Chair; Fanny Chan, Accountant, Finance, representing the Director of Finance, Trinh Bui, Budget Analyst, Budget Office, Clarence Rose, Senior Buyer, representing Purchasing, Eoghan Miller, Management Fellow, representing the City Manager's Office, and Janis Edwards, Deputy City Clerk, present.

Minutes of the regular meeting dated August 5, 2013 were read and on motion approved.

Bids were opened August 9, 2013, pursuant to advertisements published on:

**PUBLIC WORKS & UTILITIES DEPARTMENT/FLEET & FACILITIES  
DIVISION: 85HP 4x4 Tractor.**

John Schmidt and Sons Inc. - \$41,526.00 Base Bid  
\$1,874.00 Option 1  
<\$10,500.00> Option 2 Deduct Trade Allowance  
\$4,276.00 Option 3

**VARIOUS DEPARTMENTS, BOARDS AND AGENCIES: Roll Tissue, Paper  
Towels.**

Defer one week

**METROPOLITAN AREA BUILDING AND CONSTRUCTION DEPARTMENT:  
Private Lot Mowing.**

Grass Farm\* - \$53,602.50 Award Secondary Vendor  
\*Estimate – Contract approved on unit cost basis; refer to attachments.

The Purchasing Division recommended that the contracts be awarded/deferred as outlined above, same being the lowest and best bid.

On motion the Board of Bids recommended that the contracts be awarded/deferred as outlined above, same being the lowest and best bid.

**ANNUAL BID BONDS:**

Marty Strayer, Administrative Assistant, Department of Public Works reported that Unruh Excavating, LLC, submitted an Annual Bid Bond, written by EMC Insurance Companies in the amount of \$25,000, and dated 8/7/2013, as bid security for items bid on by the Principal. In the event the total of such bid or bids exceeds the maximum amount which the bond will cover in accordance with the specifications at any one time, then sufficient bid security will be required. The bond was approved as to form by the Legal Department.

On motion the Board recommended that the annual bid bond be approved.

On motion the Board of Bids adjourned.

---

Martha Strayer, Administrative Assistant,  
Department of Public Works

---

Janis Edwards, CMC  
Deputy City Clerk

## FORMAL BID REPORT

TO: Robert Layton, City Manager

DATE: August 12, 2013

**PURCHASING BIDS – MELINDA A. WALKER, PURCHASING MANAGER****August 9, 2013**

85HP 4x4 Tractor – Public Works &amp; Utilities Department/Fleet &amp; Facilities Division

John Schmidt &amp; Sons, Inc.

Base Bid	\$41,526.00
Option 1 (Per Each) (Add)	\$1,874.00
Option 2 (Per Each) (Deduct)	<\$10,500.00>
Option 3 (Per Each) (Add)	\$4,276.00

Roll Tissue, Paper Towels and Miscellaneous Paper Products – Various Departments, Boards & Agencies  
**(Defer to August 19, 2013)**

Private Lot Mowing – Metropolitan Area Building and Construction Department (See Exhibit B for Itemized Pricing in the Formal Bid Report)

Grass Farm

Award Secondary Vendor \$53,602.50

**ITEMS TO BE PURCHASED AS ADVERTISED IN THE OFFICIAL CITY NEWSPAPER.**


Melinda A. Walker  
Purchasing Manager

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This page summarizes vendor responses by the bid total. Awarded vendors will be notified of their respective purchase orders/contracts.

**Vendor      Group      Line****Solicitation: FB340139      85HP 4x4 Tractor****Close Date/Time: 8/9/2013 10:00 AM CST****Solicitation Type: Formal Bid****[Return to the Bid List](#)****Award Method: Aggregate Cost****Department: Public Works Fleet & Facilities****Responses: 3**

<b>Vendors</b>	<b>Complete</b>	<b>Bid Total</b>	<b>City Comments</b>
<u><a href="#">JOHN SCHMIDT &amp; SONS INC</a></u>	Complete	\$37,176.00	Award 08/13/2013 Base Bid with Options 1,2,&3 Public Works & Utilities Dept/Fleet & Facilities Div
<u><a href="#">PRAIRIELAND PARTNERS INC.</a></u>	Complete	\$39,330.46	
<u><a href="#">MCCULLOUGH ENTERPRISES</a></u>	Complete	\$45,218.00	

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This page summarizes vendor bids by the extended cost for each commodity line on the solicitation.

**Vendor   Group   Line**

**Solicitation: FB340139   85HP 4x4 Tractor**

**Close Date/Time: 8/9/2013 10:00 AM CST**

**Solicitation Type: Formal Bid**

**[Return to the Bid List](#)**

**Award Method: Aggregate Cost**

**Department: Public Works Fleet & Facilities**

**Responses: 3**

**Go to: 001**

**Line 001**   Base Bid: New and Unused Current Model 85HP 4x4 Tractor. Manufacturer: \_\_\_\_\_ Model: \_\_\_\_\_ Year: \_\_\_\_\_

Vendors	QTY	UOM	Price	Extended Cost	Complete	Comments
JOHN SCHMIDT & SONS INC	1	Each	\$41,526.0000	\$41,526.00	Complete	Massey Ferguson 4609 Includes (3) sets of rear hydraulic remotes. If only (2) are needed, deduct \$1,187.00. Lead time is current best estimate. May vary slightly.
PRAIRIELAND PARTNERS INC.	1	Each	\$44,702.4100	\$44,702.41	Complete	John Deere Model 5085E 2013
MCCULLOUGH ENTERPRISES	1	Each	\$49,229.0000	\$49,229.00	Complete	New Holland Model T4.85 2014

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**Line 002**   Option 1: Front Mounted Counterweight 720 LBS Minimum

Vendors	QTY	UOM	Price	Extended Cost	Complete	Comments
PRAIRIELAND PARTNERS INC.	1	Each	\$899.0500	\$899.05	Complete	
MCCULLOUGH ENTERPRISES	1	Each	\$935.0000	\$935.00	Complete	
JOHN SCHMIDT & SONS INC	1	Each	\$1,874.0000	\$1,874.00	Complete	

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**Line 003**   Option 2: Trade-in Allowance. Lump Sum Deduct From Total Amount. One (1) 2002, New Holland 57HP 4x4 Model TN65, Serial # 1262354, City ID # 5-0375.

Vendors	QTY	UOM	Price	Extended Cost	Complete	Comments
JOHN SCHMIDT & SONS INC	1	Each	(\$10,500.0000)	(\$10,500.00)	Complete	Trade Allowance \$10,500.00
PRAIRIELAND PARTNERS INC.	1	Each	(\$9,000.0000)	(\$9,000.00)	Complete	
MCCULLOUGH ENTERPRISES	1	Each	(\$7,500.0000)	(\$7,500.00)	Complete	

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**Line 004**   Option 3: Three (3) Year 3,000 Hour Extended Warranty in Addition to the Factory Standard Two (2) Year 2,000 Hour Warranty.

Vendors	QTY	UOM	Price	Extended Cost	Complete	Comments
MCCULLOUGH ENTERPRISES	1	Each	\$2,554.0000	\$2,554.00	Complete	
PRAIRIELAND PARTNERS INC.	1	Each	\$2,729.0000	\$2,729.00	Complete	
JOHN SCHMIDT & SONS INC	1	Each	\$4,276.0000	\$4,276.00	Complete	60 month/5,000 hour Zero Deduct Comprehensive coverage. See ESP coverage sheet for full details.

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This page summarizes vendor responses by the bid total. Awarded vendors will be notified of their respective purchase orders/contracts.

**Vendor      Group      Line****Solicitation: FB340142      Roll Tissue, Paper Towels****Close Date/Time: 8/9/2013 10:00 AM CST****Solicitation Type: Formal Bid****[Return to the Bid List](#)****Award Method: Group****Department: Purchasing Department****Responses: 8**

<b>Vendors</b>	<b>Complete</b>	<b>Bid Total</b>	<b>City Comments</b>
<a href="#">MASSCO INC</a>	Complete	\$75,374.75	Defer to 8-19-13 Various Departments, Boards and Agencies
<a href="#">SOUTHWEST PAPER COMPANY INC</a>	Complete	\$80,462.50	
<a href="#">XPEDX</a>	Complete	\$95,759.90	
<a href="#">MOTION INDUSTRIES INC</a>	Complete	\$132,845.90	
<a href="#">LAFE T WILLIAMS &amp; ASSOCIATES INC</a>	Partial	\$37,567.60	
<a href="#">AMERICAN FUN FOOD COMPANY</a>	Partial	\$71,114.60	
<a href="#">HUBER MAINTENANCE SUPPLY</a>	Partial	\$74,345.58	
<a href="#">CENTRAL POLY</a>	Partial	\$77,920.85	

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This page summarizes vendor responses by the bid total. Awarded vendors will be notified of their respective purchase orders/contracts.

**Vendor Group Line**  
**Solicitation: FB340013 Private Lot Mowing**

**Close Date/Time: 2/15/2013 10:00 AM CST**

**Solicitation Type: Formal Bid**

**[Return to the Bid List](#)**

**Award Method: Aggregate Cost**

**Department: Central Inspection**

**Responses: 6**

<b>Vendors</b>	<b>Complete</b>	<b>Bid Total</b>	<b>City Comments</b>
<u><a href="#">S.SARKISSIAN CO</a></u>	Complete	\$2,499.00	Non-Responsive Bid
<u><a href="#">TLC SERVICES LLC</a></u>	Complete	\$30,729.65	Does not meet specifications
<u><a href="#">JM LAWN SERVICE</a></u>	Complete	\$34,515.00	Contract Cancellation
<u><a href="#">T&amp;G MOWING &amp; EXCAVATING INC</a></u>	Complete	\$52,975.00	Redirect Award 06/11/2013 Metropolitan Area Building and Construction Department
<u><a href="#">GRASS FARM</a></u>	Complete	\$53,602.50	Award Secondary 08/13/2013 Metropolitan Area Building and Construction Department
<u><a href="#">COMPLETE LANDSCAPING SYSTEMS INC</a></u>	Complete	\$101,820.00	

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This page summarizes vendor bids by the extended cost for each commodity line on the solicitation.

Vendor Group Line

Solicitation: **FB340013** Private Lot Mowing

Close Date/Time: 2/15/2013 10:00 AM CST

Solicitation Type: **Formal Bid**[Return to the Bid List](#)Award Method: **Aggregate Cost**Department: **Central Inspection**

Responses: 6

Go to: 001

**Line 001** Mowing and Trimming 0 - 1/2 Acre (0-21,780 Sq. Ft.)

Vendors	QTY	UOM	Price	Extended Cost	Complete	Comments
S.SARKISSIAN CO	1000	Lot	\$2.0000	\$2,000.00	Complete	my bid is 2.000 per mo ext 24.000
JM LAWN SERVICE	1000	Lot	\$22.0000	\$22,000.00	Complete	
TLC SERVICES LLC	1000	Lot	\$25.0000	\$25,000.00	Complete	
GRASS FARM	1000	Lot	\$42.5000	\$42,500.00	Complete	
T&G MOWING & EXCAVATING INC	1000	Lot	\$43.5000	\$43,500.00	Complete	
COMPLETE LANDSCAPING SYSTEMS INC	1000	Lot	\$80.0000	\$80,000.00	Complete	

[Top of the Page](#)**Line 002** Mowing and Trimming 1/2 - 1 Acre (21,780 - 43,560 Sq. Ft.)

Vendors	QTY	UOM	Price	Extended Cost	Complete	Comments
S.SARKISSIAN CO	50	Lot	\$1.0000	\$50.00	Complete	my bid is \$1.000 per mo ext \$12.000
TLC SERVICES LLC	50	Lot	\$30.0000	\$1,500.00	Complete	
JM LAWN SERVICE	50	Lot	\$40.0000	\$2,000.00	Complete	
GRASS FARM	50	Lot	\$42.5000	\$2,125.00	Complete	
T&G MOWING & EXCAVATING INC	50	Lot	\$44.0000	\$2,200.00	Complete	
COMPLETE LANDSCAPING SYSTEMS INC	50	Lot	\$110.0000	\$5,500.00	Complete	

[Top of the Page](#)**Line 003** Mowing and Trimming Over 1 Acre (Over 43,561 Sq. Ft.)

Vendors	QTY	UOM	Price	Extended Cost	Complete	Comments
S.SARKISSIAN CO	85	Acre	\$1.6000	\$136.00	Complete	my bid is \$2.000 per mo ext \$24.000
TLC SERVICES LLC	85	Acre	\$36.9500	\$3,140.75	Complete	
T&G MOWING & EXCAVATING INC	85	Acre	\$45.0000	\$3,825.00	Complete	
GRASS FARM	85	Acre	\$47.0000	\$3,995.00	Complete	
JM LAWN SERVICE	85	Acre	\$65.0000	\$5,525.00	Complete	
COMPLETE LANDSCAPING SYSTEMS INC	85	Acre	\$110.0000	\$9,350.00	Complete	



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Line 004 Mowing Railroad Rights-of-Ways: 0 - 1/2 Acre (0 - 21,780 Sq. Ft.)						
Vendors	QTY	UOM	Price	Extended Cost	Complete	Comments
S.SARKISSIAN CO	1	Each	\$1.0000	\$1.00	Complete	\$ 500 per mo \$6.000 per yr
TLC SERVICES LLC	1	Each	\$25.0000	\$25.00	Complete	
GRASS FARM	1	Each	\$32.5000	\$32.50	Complete	
JM LAWN SERVICE	1	Each	\$40.0000	\$40.00	Complete	
T&G MOWING & EXCAVATING INC	1	Each	\$40.0000	\$40.00	Complete	
COMPLETE LANDSCAPING SYSTEMS INC	1	Each	\$150.0000	\$150.00	Complete	

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Line 005 Mowing Railroad Rights-of-Ways: 1/2 - 1 Acre (21,780 - 43,560 Sq. Ft.)						
Vendors	QTY	UOM	Price	Extended Cost	Complete	Comments
S.SARKISSIAN CO	8	Each	\$1.0000	\$8.00	Complete	\$ 600 per mo \$ 7.200 yr
TLC SERVICES LLC	8	Each	\$30.0000	\$240.00	Complete	
T&G MOWING & EXCAVATING INC	8	Each	\$40.0000	\$320.00	Complete	
JM LAWN SERVICE	8	Each	\$40.0000	\$320.00	Complete	
GRASS FARM	8	Each	\$45.0000	\$360.00	Complete	
COMPLETE LANDSCAPING SYSTEMS INC	8	Each	\$170.0000	\$1,360.00	Complete	

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Line 006 Mowing Railroad Rights-of-Ways: Over 1 Acre (Over 43,561 Sq. Ft.)						
Vendors	QTY	UOM	Price	Extended Cost	Complete	Comments
S.SARKISSIAN CO	2	Each	\$2.0000	\$4.00	Complete	\$ 500 per mo \$6.000 per yr
TLC SERVICES LLC	2	Each	\$36.9500	\$73.90	Complete	
T&G MOWING & EXCAVATING INC	2	Each	\$45.0000	\$90.00	Complete	
GRASS FARM	2	Each	\$45.0000	\$90.00	Complete	
JM LAWN SERVICE	2	Each	\$65.0000	\$130.00	Complete	
COMPLETE LANDSCAPING SYSTEMS INC	2	Each	\$180.0000	\$360.00	Complete	

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Line 007 Reporting fee for properties on work orders that mowing has been completed when contractor arrived at location						
Vendors	QTY	UOM	Price	Extended Cost	Complete	Comments
S.SARKISSIAN CO	300	Each	\$1.0000	\$300.00	Complete	\$ 800 per mo \$9.600 per yr
TLC SERVICES LLC	300	Each	\$2.5000	\$750.00	Complete	
T&G MOWING & EXCAVATING INC	300	Each	\$10.0000	\$3,000.00	Complete	
GRASS FARM	300	Each	\$15.0000	\$4,500.00	Complete	
JM LAWN SERVICE	300	Each	\$15.0000	\$4,500.00	Complete	
COMPLETE LANDSCAPING SYSTEMS INC	300	Each	\$17.0000	\$5,100.00	Complete	

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**PRELIMINARY ESTIMATES  
FOR CITY COUNCIL AUGUST 13, 2013**

- a. 2013 Sanitary Sewer Reconstruction Phase 6 (north of Harry, east of Broadway) (468-84899/620641/663016) Traffic to be maintained during construction using flagpersons and barricades. (District I,II) - \$168,000.00

To be Bid:

July 26, 2013

**PRELIMINARY ESTIMATE of the cost of:**  
**2013 Sanitary Sewer Reconstruction Phase 6**  
**(north of Harry, east of Broadway)**

All work done and all materials furnished to be in accordance with plans and specifications on file in the office of the City Engineer.

**LUMP SUM BID ITEMS**

1	Pipe, SS 8"	651	lf
2	Pipe Removed (8")	651	lf
3	MH Removed	1	ea
4	MH, Shallow SS (4')	1	ea
5	MH Frame & Cover, Replaced	3	ea
6	Concrete Driveway Rem & Repl (slab)	8	lf
7	Concrete Pvmnt Rem & Repl (incl curb & gutter)	40	lf
8	Fill, Flowable	40	lf
9	Fill, Sand (flushed & vibrated)	50	lf
10	Site Clearing	1	LS
11	Site Restoration	1	LS

**MEASURED QUANTITY BID ITEMS**

12	Service Reconnection, Sewer (4")	8	ea
13	Concrete Driveway Rem & Repl	115	lf
14	BMP, Construction Entrance	1	ea
15	BMP, Back of Curb Protection	60	lf
16	BMP, Erosion Control Mat	150	sy

**Construction Subtotal**

Engineering & Inspection  
 Administration  
 Publication

**Total Estimated Cost****\$168,000.00**

CITY OF WICHITA)  
 STATE OF KANSAS) SS

I do solemnly swear that the above amount is correct, reasonable and just.

  
 Gary Janzen, P.E., City Engineer

Sworn to and subscribed before me this \_\_\_\_\_  
 (DATE)

\_\_\_\_\_  
 City Clerk

663016 (620641) 468-84899

Page \_\_\_\_\_

EXHIBIT \_\_\_\_\_

**City of Wichita  
City Council Meeting  
August 13, 2013**

**TO:** Mayor and City Council

**SUBJECT:** Change Order No. 8 - Central Avenue from 135<sup>th</sup> to 119<sup>th</sup> Streets West  
(~~District VI~~) (*District V*)

**INITIATED BY:** Department of Public Works & Utilities

**AGENDA:** Consent

**Recommendation:** Approve the change order.

**Background:** On September 25, 2012, the City Council approved a final revised budget to include construction funding for improvements to Central Avenue from 135<sup>th</sup> to 119<sup>th</sup> Streets West. Improvements include widening Central to five lanes, reconstruction of the Central and 135th Street intersection, and construction of two bridges and sidewalk. Construction began on February 11, 2013.

A summary of change orders processed for this project is shown below:

Change Order No.	Date Processed	Work Provided	Amount
1	March 18, 2013	Installation of required TWORKS signage	\$3,000
2	April 19, 2013	Adjustment of measured quantity bid items required to widen Central to a temporary shoofly	\$6,050
3	April 25, 2013	Removal of a septic tank and subsequent sand backfill within the new right-of-way	\$2,015
4	May 9, 2013	Adjustment of flow line elevations, installation of a modified inlet top and permanent pipe, removal of trees, and additional erosion control measures	\$2,551
5	June 12, 2013	Installation of structural headwall for storm sewer pipe penetration	\$3,845
6	June 24, 2013	Installation of additional manholes to tie in to existing storm sewer lines	\$6,350
7	July 8, 2013	Lowering of an existing water line which was in conflict with proposed storm sewer pipe	\$9,900
<b>Total of all change orders processed to-date</b>			<b>\$33,711</b>

**Analysis:** Bay Country Addition is a new, residential development immediately adjacent to Central. A proposed pond within the development would require lower elevations for the storm sewer in the Central, 135<sup>th</sup> to 119<sup>th</sup> project. This reduction in storm sewer elevation would allow clearance for a reinforced concrete box under the proposed pavement, thus eliminating a headwall in the south right-of-way. Additionally, fewer manholes would be required, hydraulic flow would be enhanced, and future maintenance of the sewer system would be made easier and more cost-effective. These proposed changes do not require the contract time to be adjusted. Change Order No. 8 has been prepared to authorize the additional work.

**Financial Considerations:** The cost of the additional work is \$23,914, bringing the total contract amount to \$7,985,686. This change order, plus previous change orders, represents 0.72% of the original contract amount and is within the 25% of contract cost limit set by City Council policy. Funding for the additional work is available within the existing approved budget.

**Legal Considerations:** The Law Department has reviewed and approved the change order as to form. The change order amount is within the 25% of contract cost limit set by City Council policy.

**Recommendation/Action:** It is recommended that the City Council approve the change order and authorize the necessary signatures.

**Attachments:** Change Order No. 8.



**PUBLIC WORKS-ENGINEERING**

July 17, 2013  
**CHANGE ORDER**

**To:** Cornejo & Sons, LLC  
**Change Order No.:** 8  
**Purchase Order No.:** 340129  
**CHARGE TO OCA No.:** 706898

**Project:** Central St. from 135<sup>th</sup>. to 119<sup>th</sup> St. W.  
**Project No.:** 87N-0351-01/472-84017  
**OCA No.:** (706898/635814)  
**PPN:** 204364/752036

**Please perform the following extra work at a cost not to exceed \$ 23,913.50**

**Additional Work:** Replace triple 29" x 45" HERCP storm sewer with a single 8' x 3' box culvert.

**Reason for Additional Work:** Development plans for Bay Country Addition, which is immediately adjacent to Central, between Bay Country and Wheatland, require changes to storm sewer Line 6. At Sta. 75+83, line 6 will change from three 29"x45" HERCP pipes to a single 8'x3'RCB. Proposed pond plans require lower elevations for the storm sewer, which provides a positive impact on this project by allowing clearance for the 8'x3' RCB under proposed pavement and eliminates the headwall in the south right-of-way. This plan also eliminates manholes for lines 5 and 7, as these lines will tie directly into the box. These changes will allow for more efficient hydraulic flow and ease of maintenance in the future. No adjustments are necessary to contract time.

Line #	KDOT #	Item (Participating)	Negotiated/	Qty	Unit Price	Extension
			Bid			
36	12	Handrail, Pedestrian	Bid	(48.0) lf	\$126.00	(\$6,048.00)
50	04	Pipe, SWS 18" RCP	Bid	(1.0) lf	\$35.00	(\$35.00)
53	04	Pipe, SWS 24" RCP	Bid	(1.0) lf	\$42.00	(\$42.00)
61	04	Pipe, SWS HERCP (29"x45"){36}	Bid	(300.0) lf	\$103.00	(\$30,900.00)
74	04	MH, Standard SWS (5')	Bid	(2.0) ea	\$2,750.00	(\$5,500.00)
80	04	Concrete Headwall	Bid	(20.0) cy	\$700.00	(\$14,000.00)
82	04	Rip-Rap, Light Stone	Bid	(73.0) sy	\$55.50	(\$4,051.50)
Add	04	Pipe, SWS RCBC (8'x3')	Negotiated	120.0 lf	\$650.00	\$78,000.00

Line #	KDOT #	Item (Non-Participating)	Negotiated/	Qty	Unit Price	Extension
			Bid			
Add	04	Restock Fee, Pipe, SWS HERCP (29"x45"){36}	Negotiated	300.0 lf	\$16.50	\$4,950.00
Add	04	Restock Fee, MH Standard SWS (5')	Negotiated	2.0 ea	\$770.00	\$1,540.00

**Total \$23,913.50**

<b>CIP Budget Amount:</b>	<b>\$12,287,000.00 (706898)</b>	<b>Original Contract Amt.:</b>	<b>\$7,928,061.97</b>
	<b>\$1,404,000.00 (635814)</b>		
Consultant: MKEC		Current CO Amt.:	\$23,913.50
<b>Total Exp. &amp; Encum. To Date:</b>	<b>\$10,030,039.13</b>	<b>Amt. of Previous CO's:</b>	<b>\$33,710.26</b>
<b>CO Amount:</b>	<b>\$23,913.50</b>	<b>Total of All CO's:</b>	<b>\$57,623.76</b>
<b>Unencum. Bal. After CO:</b>	<b>\$2,233,047.37</b>	<b>% of Orig. Contract / 25% Max.:</b>	<b>0.72%</b>
		<b>Adjusted Contract Amt.:</b>	<b>\$7,985,685.73</b>

**Recommended By:**

\_\_\_\_\_  
Greg Baalman, P.E.                      Date  
Construction Engineer

**Approved:**

\_\_\_\_\_  
Contractor                                      Date

**Approved as to Form:**

\_\_\_\_\_  
Gary Rebenstorf                              Date  
Director of Law

**Approved:**

\_\_\_\_\_  
Gary Janzen, P.E.                              Date  
City Engineer

**Approved**

\_\_\_\_\_  
Alan King                                      Date  
Director of Public Works & Utilities

**By Order of the City Council:**

\_\_\_\_\_  
Carl Brewer                                      Date  
Mayor

**Attest:** \_\_\_\_\_  
City Clerk

**CITY OF WICHITA**  
**City Council Meeting**  
August 13, 2013

**TO:** Mayor and City Council

**SUBJECT:** Acquisition of 511 South Webb for the Improvement of Kellogg Avenue (US Highway 54) from Cypress to Chateau (District II)

**INITIATED BY:** Office of Property Management

**AGENDA:** Consent

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**Recommendation:** Approve the acquisition.

**Background:** On February 8, 2011, the City Council approved the design for the improvement of Kellogg Avenue (US Highway 54) from Cypress to Chateau. The project calls for the improvement of Kellogg to a six lane, limited access highway, with one way frontage roads on each side of the highway and interchanges at the intersections of Webb Road and the Kansas Turnpike (Interstate Highway 35). The project will require the acquisition of all or part of approximately 32 parcels. The properties consist of a mix of retail and commercial uses. The property located at 511 South Webb contains 30,759.5 square feet, zoned limited industrial, and is improved with an retail store and paving. The project requires the entire site.

**Analysis:** The acquisition was appraised at \$680,000. The owner rejected this offer. The valuation did not include revenue being received from a lease for an outdoor advertising sign. Also, the appraisal did not include several recent sales that supported a land value higher than what was estimated. Adjusting for these two items supported a value of \$900,000 for the property. Additionally, the owner is eligible for relocation benefits estimated at \$50,000 and these were included, making the new value \$950,000. This amount was accepted by the owner. The owner will stay in occupancy until January 31, 2014 and will be responsible for vacating the premises by that date. This tract had been included in the ongoing eminent domain action for properties needed for the project. Upon approval and closing, this tract will be removed from the action.

**Financial Considerations:** A budget of \$965,000 is requested. This includes \$900,000 for the acquisition, \$50,000 for relocation, \$10,000 for demolition and \$5,000 for closing costs and other administrative costs. The funding source is Local Sales Tax (LST) together with State and Federal grant funds administered by the Kansas Department of Transportation.

**Legal Considerations:** The Law Department has approved the real estate agreement as to form.

**Recommendation/Action:** It is recommended that the City Council; 1) approve the Budget; 2) approve the Real Estate Purchase Agreement; and 3) authorize the necessary signatures.

**Attachments:** Aerial map, tract map, and real estate purchase agreement.



PROJECT: Kellogg Improvement – Cypress to Chateau      DATE:

COUNTY: Sedgwick

TRACT NO.: 13

**CITY OF WICHITA, KANSAS**

**A MUNICIPAL CORPORATION**

**CONTRACT FOR CONVEYANCE**  
**OF REAL ESTATE BY WARRANTY DEED**  
**AND TEMPORARY EASEMENT**

THIS AGREEMENT made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2013 by and between:

Michael C. Grothe and Vivian Grothe, husband and wife, "Landowner(s)", and the City of Wichita, State of Kansas, "City"

WITNESSETH, For consideration as hereinafter set forth, the landowner(s) hereby agree(s) to convey unto the City, their duly authorized agents, contractors and assigns the right to enter upon the following described land in Sedgwick County to wit:

Beginning at the southeast corner of Lot 1, Davis-Moore Addition, Wichita, Kansas, Sedgwick County, Kansas; thence with an assumed bearing of S90°00'00"W on the south line of said Lot 1, a distance of 253.00 feet; thence N00°00'00"E, a distance of 124.79 feet (described), 124.73 feet (calculated), to a point 175.00 feet south of the north line of said Lot 1; thence N90°00'00"E parallel with the south line of said Lot 1, N89°59'31"E (calculated and not parallel with the south line of said Lot 1), a distance of 238.00 feet, more or less, to the intersection with the east line of said Lot 1; thence S00°00'00"W on said east line, a distance of 4.79 feet to a corner in the easterly line of said Lot 1; thence continuing on said easterly line S08°31'51"E, a distance of 101.12 feet to a corner in the most easterly line of said Lot 1; thence S00°00'00"W on said line, a distance of 20.00 feet (platted), 19.97 feet (calculated), to the point of beginning.

It is understood and agreed that landowner(s) is/are responsible for all property taxes on the above described property accrued prior to the conveyance of title to the City. In the event of relocation, landowner(s) hereby expressly agrees and covenants that they will hold and save harmless and indemnify the City and its authorized representatives from any and all costs, liabilities, expenses, suits, judgements, damages to persons or property or claims of any nature whatsoever which may occur during the time the City becomes legally entitled to the property until the relocation is completed. In no event will the Landowner be required to move until the City becomes legally entitled to the property.

The City agrees to purchase the above described real estate, and to pay therefore, below described amount on or before August 31, 2013. Landowner shall surrender possession at or before January 31, 2014. During the period between closing and vacation, landowner shall be responsible for maintain liability insurance and such insurance as Landowner deems necessary on his inventory and leasehold improvements. It is understood that the City will not carry insurance on the premises and will not rebuild the improvements if destroyed. Landowner will not be required to pay rent during the period between closing and vacation but will be responsible for any maintenance required to continue his occupancy during this period.

Pursuant to applicable Kansas statutes, the City has the power of eminent domain to acquire real property and the improvements thereon for its lawful public purposes; and in lieu of the City's exercise of its power of eminent domain, Landowner is willing to sell and the City is willing to purchase Landowner's real property described herein.

Landowner acknowledges that the City has initiated condemnation of Landowner's property through its power of eminent domain and City shall not release Landowner from said action until the transaction herein has closed. If it is necessary to inform the court appointed appraisers in said condemnation action of the agreed consideration of this transaction, Landowner agrees the consideration tendered pursuant to this purchase agreement is the amount due Landowner as just compensation in condemnation and Landowner shall join the City in supporting and requesting this sum in the underlying condemnation action.

Landowner shall remove all personal property prior to closing. Any personal property remaining in or upon said property after closing shall be considered abandoned. The City may dispose of any remaining personal property in any way it deems without further compensation to Landowner.

All taxes, rents, insurance premiums, etc. shall be prorated at closing. All closing fees and costs are to be paid by the City.

Real property to be acquired as right of way:

Approximately 30,739.5 Sq. Ft. and all improvements there to	\$900,000.00
All relocation benefits pursuant to 49 CFR Part 24	<u>\$ 50,000.00</u>
<b>TOTAL</b>	<b>\$950,000.00</b>

It is understood and agreed that the above stated consideration for said real estate is in full payment of said tract of land and all damages arising from the transfer of said property and its use for the purposes above set out including claims that Landowners may assert pursuant to the Uniform Relocation Assistance and Real Property Acquisition Policies for Federal and Federally Assisted Programs, 42 U.S.C.A. 4601, et. Seq.

**IN WITNESS WHEREOF** The parties have hereunto signed this agreement the day and year first above written.

**LANDOWNER:**

\_\_\_\_\_  
Michael C. Grothe

\_\_\_\_\_  
Vivian S. Grothe

**BUYER:**

City of Wichita, KS, a municipal corporation

\_\_\_\_\_  
Carl Brewer, Mayor

**ATTEST:**

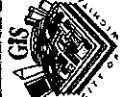
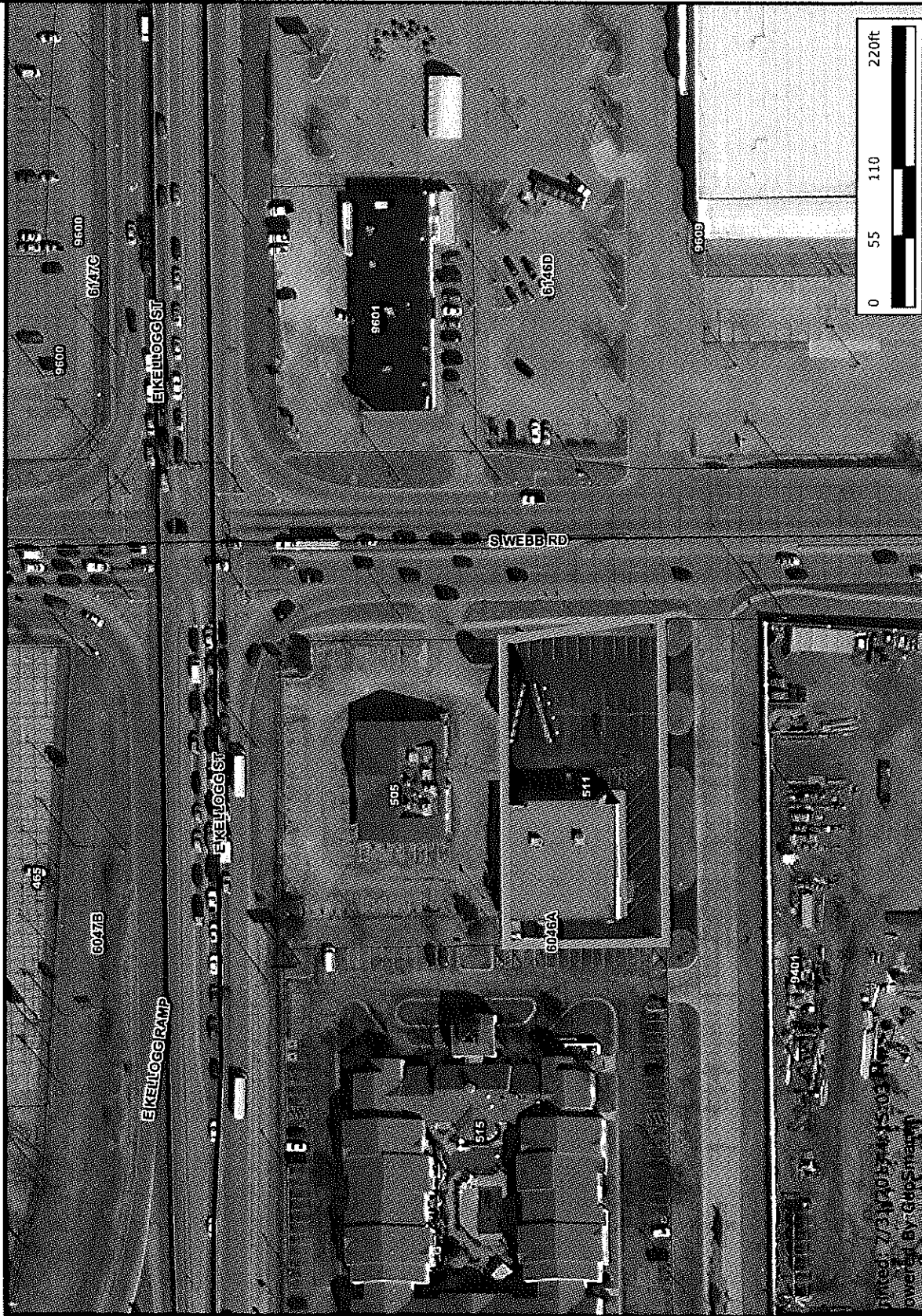
\_\_\_\_\_  
Karen Sublett, City Clerk

Approved as to form:

\_\_\_\_\_  
Gary E. Rebenstorf, Director of Law



# 511 South Webb



Every reasonable effort has been made to assure the accuracy of the maps and associated data provided herein. This information is provided with the understanding that the data are susceptible to a degree of error, and conclusions drawn from such information are the responsibility of the reader. The City of Wichita makes no warranty, representation or guaranty as to the content, accuracy, timeliness or completeness of any of the data provided herein. Some data provided here and used for the preparation of these maps has been obtained from public records not created or maintained by the City of Wichita. The City of Wichita shall assume no liability for any decisions made or actions taken or not taken by the reader in reliance upon any information or data furnished hereunder. The user should consult with the appropriate departmental staff member, e.g. Planning, Parks & Recreation, etc. to confirm the accuracy of information appearing in the visual presentations accessible through these web pages.

- Selected Features
- Historic Districts
- Old Town Delano Overlay District
- NO
- YES
- Property Parcels
- Roads
- State Highway
- US Federal Highway
- Interstate
- KTA
- Arterial
- Collector
- Minor
- Ramp
- Railroads
- Quarter Section
- Waterways
- Streams
- Historic Sites
- REGIONAL
- STATE/NATIONAL
- STATE
- Historic Environs
- Parks
- Airports
- City Limits
- Andale
- Bel Aire
- Bentley
- Cheney
- Clearwater
- Colwich

# EXHIBIT

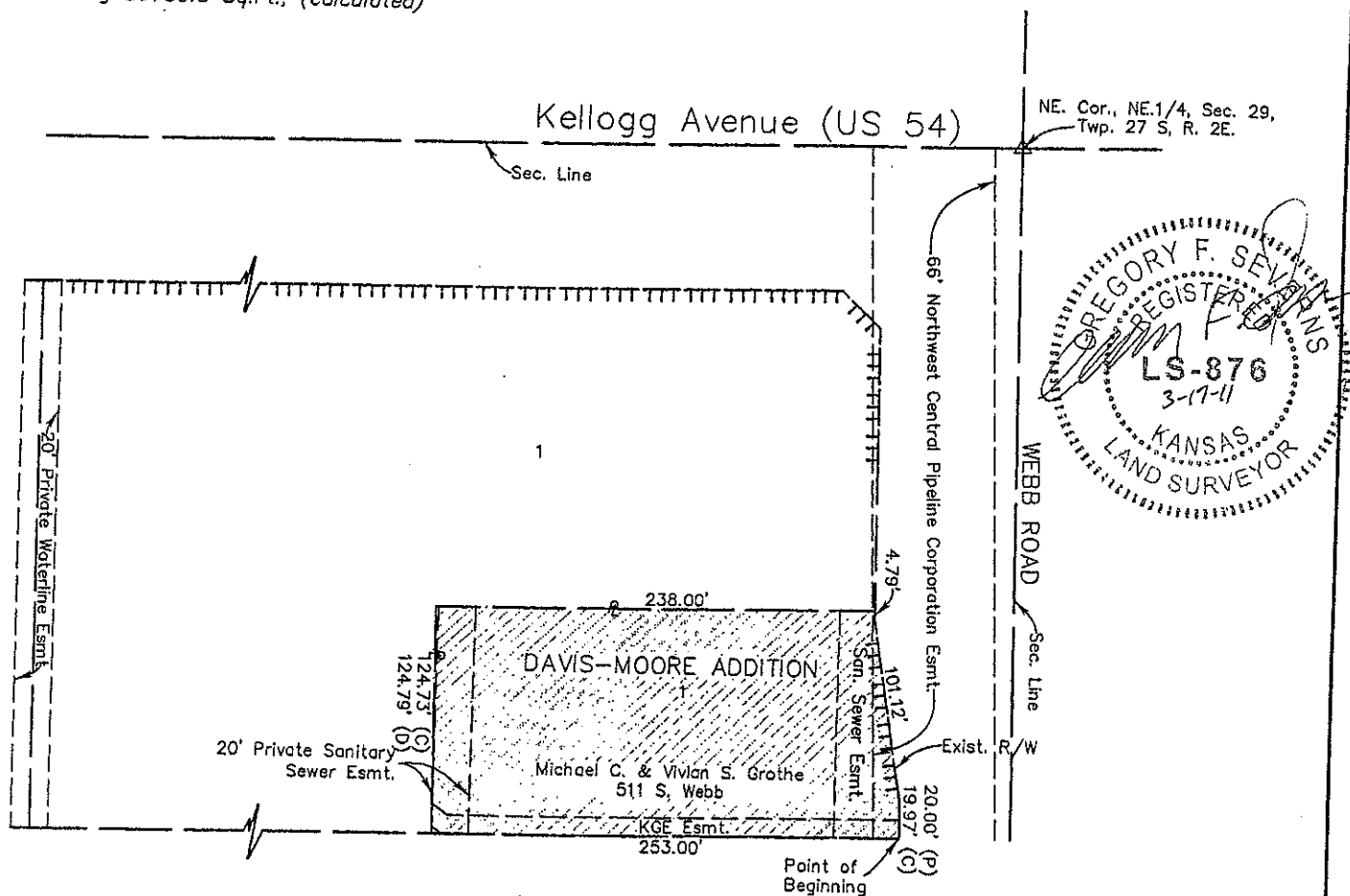
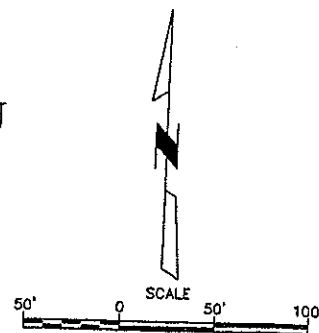
## RIGHT OF WAY ACQUISITION

Tract # 13-A  
C-44296

### LEGAL DESCRIPTION:

Beginning at the southeast corner of Lot 1, Davis-Moore Addition, Wichita, Kansas, Sedgwick County, Kansas; thence with an assumed bearing of S90°00'00"W on the south line of said Lot 1, a distance of 253.00 feet; thence N00°00'00"E, a distance of 124.79 feet (described), 124.73 feet (calculated), to a point 175.00 feet south of the north line of said Lot 1; thence N90°00'00"E parallel with the south line of said Lot 1, N89°59'31"E (calculated and not parallel with the south line of said Lot 1), a distance of 238.00 feet, more or less, to the intersection with the east line of said Lot 1; thence S00°00'00"W on said east line, a distance of 4.79 feet to a corner in the easterly line of said Lot 1; thence continuing on said easterly line S08°31'51"E, a distance of 101.12 feet to a corner in the most easterly line of said Lot 1; thence S00°00'00"W on said line, a distance of 20.00 feet (platted), 19.97 feet (calculated), to the point of beginning.

Containing 30739.5 Sq.Ft., (calculated)



- (C) Calculated
- (D) Described
- (P) Platted

Project Number 10-07-E517

E:eng/East Kellogg/Exhibits/Tract 13-A.dwg

3-17-11

**Baughman Company, P.A.**

315 Ellis St. Wichita, KS 67211 P 316-262-7271 F 316-262-0149

**Baughman** ENGINEERING | SURVEYING | PLANNING | LANDSCAPE ARCHITECTURE

**CONTRACTS & AGREEMENTS  
BLANKET PURCHASE ORDERS RENEWAL OPTIONS  
JULY 2013**

COMMODITY TITLE	EXPIRATION DATE	VENDOR NAME	DEPARTMENT	ORIGINAL CONTRACT DATES	RENEWAL OPTIONS REMAINING
Asbestos Survey & Related Services	7/31/2014	Precision Environmental Group, Inc.	Various	8/17/2010 - 7/31/2011	1 - 1 year option
Boots - Pro-Warrington Style 4132 - Structural Firefighting	7/31/2014	Morning Pride Mfg. dba Honeywell First Responder Products	Fire	8/7/2012 - 7/31/2013	1 - 1 year option
CO2 Tank Assembly Rental & Chemical	7/31/2014	Airgas MidSouth	Public Works & Utilities	8/1/2012 - 7/31/2013	1 - 1 year option
Computer Hardware	7/31/2013	Dell Marketing LP	IT / IS	7/27/2010 - 7/27/2011	Last option
Computer PC Accessories and Peripherals	7/31/2013	Global Government/Educations Solutions, Inc.	IT / IS	7/27/2010 - 7/27/2011	Last option
Concrete Pads	7/31/2014	Salina Concrete Products, Inc. dba Kansas Building Products, Inc.	Public Works & Utilities	8/16/2011 - 7/31/2012	Last option
Demolition & Site Clearing Services - Primary Contractor	7/31/2014	Bradburn Wrecking Company, Inc.	Public Works & Utilities	8/2/2011 - 7/31/2012	Last option
Demolition & Site Clearing Services - Secondary Contractor	7/31/2014	H. D. Mills & Sons, Inc.	Public Works & Utilities	8/2/2011 - 7/31/2012	Last option
Filters- A/C & Furnace	7/31/2014	Wichita Air Filter Supply	Various	8/7/2012 - 7/31/2013	1 - 1 year option
Fire Alarm Systems Inspections & Maintenance	7/31/2014	Kansas Fire Equipment Co., Inc.	Housing & Community Services	8/1/2011 - 7/31/2012	Last option
Graphic Design Services for City 7	7/31/2013	Digital Media Networks of Kansas, LLC	City Manager	8/5/2011 - 7/31/2012	3 - 1 year options
Independent Financial Analysis on Developers for Development Projects Within Downtown Wichita	7/31/2014	Springsted Incorporated	City Manager	7/20/2011 - 7/31/2012	Last option
Lamps - LED Traffic Signal Lamps - Groups 1 & 2	7/31/2014	Mid-American Signal	Public Works & Utilities	8/9/2011 - 7/31/2012	Last option
Lamps - Miniature Bulbs, Sealed Beam, Light Emitting Diode (LED) Bulbs	7/31/2014	Poorman Automotive Warehouse	Various	8/1/2012 - 7/31/2013	1 - 1 year option
Mail Delivery Service	7/31/2014	Leadfoot Express Transport, LLC	Finance	8/1/2011 - 7/31/2012	Last option
Meters - Badger Meters with ADE Registers, Itron ERTs and Various Meter Repair Parts - Group 2	7/31/2013	National Meter and Automation, Inc.	Public Works & Utilities	8/7/2012 - 7/31/2013	2 - 1 year options
Meters - Badger Meters with ADE Registers, Itron ERTs and Various Meter Repair Parts - Groups 1 & 3	7/31/2014	Midwest Meter, Inc.	Public Works & Utilities	8/7/2012 - 7/31/2013	1 - 1 year option
Mow, Edge & Trim Services - Water Distribution Facility	7/31/2014	Dragonfly Lawn Service	Public Works & Utilities	8/1/2012 - 7/31/2013	1 - 1 year option
Signs - Tee & Advertising Signs for Golf Courses	7/31/2014	Nu-Line Signs	Park & Recreation	8/1/2012 - 7/31/2013	1 - 1 year option
Tires-Lease of Transit Mileage Tires (for Buses)	7/13/2014	Bridgestone Americas Tire Operations LLC	Wichita Transit	7/14/2010 - 7/13/2013	1 - 1 year option
Waterwork Supplies - Group 1	7/13/2014	Wichita Winwater Works Company	Public Works & Utilities	8/7/2012 - 7/31/2013	1 - 1 year option
Waterwork Supplies - Groups 2, 3 and 7	7/13/2013	HD Supply Waterworks, Ltd.	Public Works & Utilities	8/7/2012 - 7/31/2013	2 - 1 year options
Waterwork Supplies - Groups 4 & 6	7/13/2013	HD Supply Waterworks, Inc.	Public Works & Utilities	8/7/2012 - 7/31/2013	2 - 1 year options

**PROFESSIONAL CONTRACTS UNDER \$25,000  
JULY 2013**

VENDOR NAME	DOCUMENT NO	DOCUMENT TITLE	AMOUNT		

**ANNUAL MAINTENANCE CONTRACTS OVER \$25,000  
DIRECT PURCHASE ORDERS FOR JULY 2013**

VENDOR NAME	DOCUMENT NO	DOCUMENT TITLE	AMOUNT		
SMS Systems Maintenance Services, Inc.	DP340445	Software Maintenance/Support	\$38,912.52		
People Services Center Inc.	DP340448	Software Maintenance/Support	\$26,600.00		
Galaxie Business Equipment Inc.	DP340498	Software Maintenance/Support	\$57,965.00		

City of Wichita  
City Council Meeting  
August 13, 2013

**TO:** Mayor and City Council

**SUBJECT:** Notice of Intent to Use Debt Financing  
Airfield High Reach Lift Vehicle Acquisition  
Wichita Mid-Continent Airport

**INITIATED BY:** Department of Airports

**AGENDA:** Consent

---

**Recommendation:** Adopt the Resolution.

**Background:** The Airport Authority relies on the City of Wichita for the issuance of General Obligation bonds and/or notes for capital projects. In order to use debt financing for a project, it is necessary to declare that a public necessity exists for, and that the public safety, service, and welfare will be advanced by, the authorization of certain capital improvements to the Mid-Continent Airport facility. Additionally, the nature of said improvements, the estimated costs thereof, and the manner of payment, needs to be disclosed. The actual issuance of the bonds/notes will require a separate authorization from the City Council. Debt financing can be in the form of temporary notes for durations as short as six months for timing considerations or in the form of General Obligation bonds for long term financing.

**Analysis:** In a concurrent agenda item, the City Council, sitting as the Wichita Airport Authority, will take action on a request to initiate a capital budget for the acquisition of an airfield high reach lift vehicle. It is appropriate to make notice of the intent to use debt financing for this project with the specific financing amount and length being identified when the actual issuance of the bonds/notes are authorized in the future by the City Council.

**Financial Considerations:** The project budget requested is \$130,000, exclusive of interest on financing, administrative and financing costs which will be financed with general obligation bonds/notes. If the debt is issued, the source of repayment for the bonds/notes will be Airport revenues.

**Legal Considerations:** The Law Department has reviewed and approved the Authorizing Resolution as to form.

**Recommendation/Action:** It is recommended that the City Council adopt the Resolution and authorize the necessary signatures.

**Attachments:** Authorizing Resolution.



## **RESOLUTION NO. 13-150**

### **RESOLUTION AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE CITY OF WICHITA, KANSAS TO PAY THE COSTS OF IMPROVEMENTS TO THE WICHITA MID-CONTINENT AIRPORT FACILITY.**

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**WHEREAS**, the City of Wichita, Kansas (the “City” or the “Issuer”) is a municipal corporation, duly created, organized and existing under the Constitution and laws of the State; and

**WHEREAS**, the City Council (the “Governing Body”) of the City has heretofore, pursuant to K.S.A. 3-162, created the Wichita Airport Authority (the “Authority”); and

**WHEREAS**, the Governing Body is authorized, pursuant to K.S.A. 13-1348a, as amended by Charter Ordinance No. 78 of the City (collectively, the “Act”) to issue general obligation bonds of the City without an election for the purpose of purchasing land for airport purposes or for the construction, enlargement, reconstruction, repair or addition to or of any improvements to said land used for airport purposes; and

**WHEREAS**, the Governing Body hereby finds and determines that it is necessary and advisable to make certain public improvements consisting of the acquisition of a High Reach Lift Vehicle for use by the Authority at the Wichita Mid-Continent Airport (the “Project”) and to provide for the payment of the costs thereof by the issuance of general obligation bonds of the City.

### **BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, AS FOLLOWS:**

**Section 1. Project Authorization.** It is hereby authorized, ordered and directed that the Project be acquired at an estimated cost of \$130,000 in accordance with specifications prepared or approved by the Authority.

**Section 2. Project Financing.** The costs of the Project, interest on financing and administrative and financing costs shall be payable by the Authority and financed with the proceeds of general obligation bonds of the City (the “Bonds”). The Bonds may be issued to reimburse expenditures made on or after the date which is 60 days before the date of adoption of this Resolution, pursuant to Treasury Regulation §1.150-2.

**Section 3. Effective Date.** This Resolution shall be in full force and effect from and after its adoption by the Governing Body.

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**ADOPTED** by the City Council of the City of Wichita, Kansas, on August 13, 2013.

(SEAL)

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Carl Brewer, Mayor

ATTEST:

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Karen Sublett, City Clerk

APPROVED AS TO FORM:

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Gary E. Rebenstorf, Director of Law

City of Wichita  
City Council Meeting  
August 13, 2013

**TO:** Mayor and City Council

**SUBJECT:** Water Main Crossing at 37<sup>th</sup> Street North and Oliver (District I)

**INITIATED BY:** Department of Public Works & Utilities

**AGENDA:** Consent

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**Recommendations:** Ratify and approve the water main installation.

**Background:** On March 5, 2013, the City Council approved relocation of 37<sup>th</sup> Street North, between Hillside and Oliver, by Koch Industries. Improvements associated with the relocation include expansion of 37<sup>th</sup> Street to a five-lane roadway, construction of six-foot wide sidewalk along both sides of 37<sup>th</sup> Street, drainage improvements, and the replacement of a 20-inch water line. Construction is currently underway by Mies Construction.

A separate project is currently under development which will provide a 16-inch water main from the south side of 37<sup>th</sup> Street to approximately 2,600 feet north along Oliver. This water main will serve a Unified School District No. 259 school complex as well as several residential neighborhoods.

**Analysis:** It is proposed that the portion of the 16-inch water main which crosses 37<sup>th</sup> Street be installed concurrently with the 20-inch water line. Making this portion of the 16-inch main available for future connection now, will reduce construction costs later, as well as eliminate the need for future lane closures and pavement replacement.

**Financial Considerations:** The estimated cost to install the water main is \$43,365. Funding is available in the 2011-2020 Adopted Capital Improvement Program under the W-67 Distribution Mains Replacement budget. The project will be funded by future revenue bonds and water utility cash reserves.

**Legal Considerations:** City Ordinance 2.64.020(c), "Public Exigency," allows the City Manager to authorize work to be performed by a contractor without formal bidding. The City Manager approved proceeding with the project on July 16, 2013.

**Recommendation/Actions:** It is recommended that the City Council ratify the City Manager's approval of the project and authorize the necessary signatures.

**Attachments:** Memo to City Manager.



PUBLIC WORKS & UTILITIES

INTEROFFICE MEMORANDUM

**TO:** Robert Layton, City Manager  
**FROM:** Alan King, Director of Public Works & Utilities *ADK*  
**DATE:** July 16, 2013  
**SUBJECT:** Water Main Crossing at Oliver & 37<sup>th</sup> Street (16")

Koch Industries Inc. is currently re-routing 37<sup>th</sup> Street North between Hillside and Oliver. With this project a twenty inch water transmission main is being re-routed and pavement is being improved on the west side of the Oliver and 37<sup>th</sup> intersection. Public Works & Utilities has a Request for Proposal out to design a future sixteen inch water main that will extend from the south side of 37<sup>th</sup> Street and extend approximately 2600 feet north along Oliver to create a water main loop for a USD 259 School complex and several neighborhoods. Installing the water line crossing under 37<sup>th</sup> Street during the current project will eliminate future traffic lane closures and pavement removal. Mies Construction is currently on location installing the twenty inch water transmission main and is able to install this crossing. The estimated cost to extend the sixteen inch water line under 37<sup>th</sup> Street for future connection is \$43,365.00.

Funds are available from the CIP project W-67, Distribution Mains Replacement. Your signature below will indicate concurrence to authorize the work. An agenda report will then be prepared for the City Council.

*Robert Layton*

Robert Layton, City Manager

**City of Wichita**  
**City Council Meeting**  
August 13, 2013

**TO:** Mayor and City Council

**SUBJECT:** 2014 Federal Edward Byrne Memorial Justice Assistance Grant (JAG)

**INITIATED BY:** Wichita Police Department

**AGENDA:** Consent

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**Recommendation:** Approve the 2014 grant award.

**Background:** The 2014 Federal Edward Byrne Memorial JAG is administered by the Kansas Governor's Federal Grants Program. The Wichita Police Department officially submitted an application for Byrne JAG funds on June 3, 2013 for the purchase of the Leica ScanStation C10 3-Dimensional (3-D) Laser Scanning System. The application included letters of support from Sedgwick County District Attorney Mark Bennett and Sedgwick County Sheriff Jeff Easter. The Leica ScanStation will be available to use by local law enforcement jurisdictions within Sedgwick County.

The Leica ScanStation C10 is a high definition surveying (HDS) technology that digitizes a crime scene by using panoramic photography and 3-D laser scanning. The result is an ever-lasting, 3-D representation of a crime scene. The ScanStation C10 can be used for post-event forensic analysis, involving: crime scene investigations, traffic crash investigations and post-blast investigations; and pre-event planning, involving: homeland security issues, vulnerability and threat assessments and structural data for use in tactical situations. The ScanStation C10 will be utilized to assist specialized units throughout the Wichita Police Department, including: the Crime Scene Investigation Unit, the Critical Accident Team, the Explosive Ordinance Disposal Unit, the Special Weapons and Tactics Team and the Emergency Planning Section.

The grant application has already been signed by the Mayor and submitted in order to meet the deadline, pursuant to authority under Administrative Regulation 2.4, where delay would invalidate the grant. The funding is for the state fiscal year 2013, beginning July 1, 2013 through September 30, 2013.

**Analysis:** The Leica ScanStation will greatly improve scene documentation, as well as efficiency and productivity of investigators. As a result, cases presented to the court will be visually accurate and assist with prosecution of cases. This equipment and technology is state of the art scene documentation and will be utilized by officers, detectives and prosecutors to investigate, charge, present criminal cases to judges and jury members.

**Financial Considerations:** The total grant request is \$201,204 which will be used for the purchase of the Leica ScanStation C10 3-D Laser Scanning System and equipment only.

**Legal Considerations:** The Law Department has reviewed and approved the grant award as to form.

**Recommendations/Actions:** It is recommended that the City Council approve the 2014 JAG award.

**Attachments:** 2014 JAG Award & Assurances.



## Criminal Justice Coordinating Council

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Attorney General Derek Schmidt, Chair  
Governor Sam Brownback, Vice-Chair

July 12, 2013

Ms. Debbie Nguyen  
City of Wichita Police Department  
455 N. Main  
Wichita, KS 67202

Dear Ms. Nguyen:

On behalf of the Kansas Criminal Justice Coordinating Council (KCJCC), I am pleased to let you know that your agency will receive a 2014 grant award in the amount of \$201,204 through the Federal Edward J. Byrne Memorial Justice Assistance Grant Program (JAG). The Kansas Governor's Grants Program provides administrative oversight for the grant program and staff will contact you regarding the reporting requirements.

The KCJCC recognizes the importance of JAG funds in supporting criminal justice efforts across the state. We wish you the very best with the JAG project and thank you for helping make Kansas a safer place to live and work.

Sincerely,

Derek Schmidt  
Kansas Attorney General  
KCJCC Chair

**KANSAS CRIMINAL JUSTICE COORDINATING COUNCIL**  
**Federal Edward Byrne Memorial Justice Assistance Grant Program**  
**Grant Assurances for Fiscal Year 2014**

The grant award listed below is available for expenditure in accordance with the agency's approved application under the Federal Edward Byrne Memorial Justice Assistance Grant Program (hereinafter "JAG") as established by the Omnibus Crime Control and Safe Streets Act of 1968, P. L. 90-351, §501 *et seq.*, codified as amended at 42 U.S.C. §3750 *et seq.* and amendments thereto for the period beginning July 1, 2013 and ending September 30, 2013. The grant funds distributed to the Subgrantee by the State of Kansas will be administered by the Kansas Criminal Justice Coordinating Council (hereinafter "KCJCC"). The Kansas Governor's Grants Program (hereinafter "KGGP") serves as staff to the KCJCC for JAG administration and monitoring. The funds distributed shall be used for criminal justice purposes as allowed by 42 U.S.C. §3750 *et seq.* and amendments thereto. The distribution of grant funds is contingent upon receipt of adequate funds and appropriations to the KCJCC. All terms of the grant award are non-negotiable by the Subgrantee.

The Catalog of Federal Domestic Assistance, or CFDA, number for the Federal Edward Byrne Memorial Justice Assistance Grant Program is 16.738. This document contains information specific to this federal grant program.

The grant awarded to **City of Wichita Police Department** (hereinafter "Subgrantee") is for the total amount of **\$201,204**.

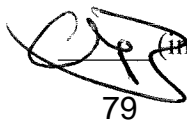
The grant project number for this grant award is **14-JAG-11**.

The approved federal program area is: **1. Law Enforcement Programs.**

With acceptance of this grant award, the Subgrantee assures to the following:

1. **AWARD PERIOD:** This grant award is for the period July 1, 2013 to September 30, 2013. The Subgrantee shall not allocate any expenditure made or incurred prior to July 1, 2013 or after September 30, 2013 to this grant award. The Subgrantee shall not allocate any expenditure for any activity, event, or conference that will occur outside the grant award period. All grant award obligations must be paid within 30 days following the end of the grant award period.
2. **APPROVED PURPOSES:** Grant funds awarded as a result of the Subgrantee's grant application shall only be expended for the purpose approved by the KCJCC and in accordance with any terms and conditions the KCJCC attaches to the grant award. The Subgrantee shall not use grant funds to supplant federal, state, or local funds that would otherwise be available for criminal justice purposes.

Grant funds shall not be used for research or fundraising projects. Grant funds shall not be used for construction and/or purchase of land. Grant funds shall not be used to pay

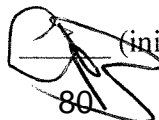
  
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debts or expenses incurred by other activities beyond the scope of the approved JAG project.

The Subgrantee shall not use grant funds, either directly or indirectly, to support the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries.

3. **SOLICITATION:** The Subgrantee shall be in compliance with the specifications outlined in the solicitation under which the approved application was submitted. The terms and conditions of the JAG solicitation are hereby incorporated by reference into this award.
4. **COMPLIANCE WITH REGULATIONS, POLICIES, AND PROCEDURES:** The Subgrantee shall comply with all applicable state and federal laws and regulations, including, but not limited to, provisions of the Omnibus Crime Control and Safe Streets Act of 1968 as amended, the provisions of 28 C.F.R. applicable to grants, the Federal Program Guidelines for JAG, the JAG Program Guidelines and Reporting Requirements as established by the KCJCC, and the requirements of the U.S. Department of Justice, Office of Justice Programs (OJP) Financial Guide, effective edition, found at [www.ojp.usdoj.gov/financialguide/index.htm](http://www.ojp.usdoj.gov/financialguide/index.htm).
5. **PROGRAM INCOME:** The Subgrantee agrees that all income generated as a direct result of this award, including interest earned, shall be deemed program income. Any and all program income that is generated as a direct result of this grant award must be accounted for and used for the purposes under the conditions applicable for the use of this grant project. This includes following the applicable federal requirements, the U.S. Department of Justice, Office of Justice Programs (OJP) Financial Guide, effective edition, found at [www.ojp.usdoj.gov/financialguide/index.htm](http://www.ojp.usdoj.gov/financialguide/index.htm) and as applicable either (1) 28 C.F.R. Part 66 or (2) 28 C.F.R. Part 70 and C.F.R. Part 215 of OMB Circulars A-102 and A-110. Further, the program income must be reported to the KGGP quarterly on a Program Income/Expenditure Report.
6. **REPORTING REQUIREMENTS:** The Subgrantee shall comply with any evaluative, statistical, or financial reporting requirements of the Federal JAG Program or those set by the KCJCC.
7. **DUNS and SAM:** The Subgrantee shall maintain a valid DUNS (Data Universal Numbering System) profile. Further, the Subgrantee shall maintain an active registration status in the U.S. System for Award Management (SAM) at [www.sam.gov](http://www.sam.gov).
8. **TRAINING AND TECHNICAL ASSISTANCE:** The Subgrantee shall participate in KGGP/KCJCC-sponsored training or technical assistance events as required by the KGGP or the KCJCC.
9. **PERSONNEL INFORMATION:** Job descriptions and compensation, including salary/wages and bonuses, for all grant-funded staff shall be maintained by the Subgrantee and available for review by the KGGP. These grant funds shall be utilized



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for the provision of approved services only and the job descriptions must reflect this requirement.


10. **TIME AND ACTIVITY:** The Subgrantee shall keep daily time and activity records for all staff funded by this grant project that document the services and grant projects that the staff person worked on and the time spent providing the services or programs. Such time and activity records must account for 100 percent of staff time regardless of the percentage funded by this JAG award. The Subgrantee shall use the time and activity records to distribute actual payroll and related fringe benefits costs to each funding source for each pay cycle accordingly. Time and activity records shall be signed by the staff member and supervisor and shall be kept and compiled in the grant files and the employees' files.

These requirements extend to outside employees and persons who will perform contractual work. Subgrantees shall keep time and activity documentation in hourly increments for contractors providing direct client services, training, or consulting funded by this grant project. For agency contracts entered into for operating costs including, but not limited to, janitorial services, website services, technology services, and maintenance, Subgrantees are required to retain copies of contracts and/or invoices but are not required to maintain detailed time and activity records.

11. **ACCOUNTING:** The Subgrantee assures that grant fund accounting, auditing, and monitoring procedures necessary to maintain records as the KCJCC prescribes shall be employed to ensure fiscal control, proper management, and proper expenditure of grant funds. The Subgrantee shall maintain books, records, documents, and other evidence to identify the costs directly associated with the delivery of services, specific outcomes, and benefits outlined in the approved grant application. This means that at a minimum:

- (a) the Subgrantee shall keep records that segregate the grant funds from all other funds received by the Subgrantee, keep its accounting for this grant project separate from the accounting of other funds, and spend and report in accordance with the approved grant project budget by program and budget line items;
- (b) the Subgrantee shall keep supporting documentation for all direct costs charged to this grant project. This includes payroll reports, time and activity records, invoices, and other financial documentation for all paid expenses; the portion of the grant project supplied by other sources of revenue; contracts for services; and other records that facilitate an effective compliance review; and
- (c) the Subgrantee shall adhere to the applicable administrative requirements, cost principles, and common rules as referenced in the Federal Office of Justice Programs Financial Guide, effective edition.

12. **AUDIT REQUIREMENTS:** The Subgrantee assures to comply with organizational audit requirements of OMB Circular A-133 and shall forward to the KGGP a copy of the audit report(s) related to expenditure of these JAG funds. The Subgrantee shall include

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the expenditure of these JAG funds in the Schedule of Expenditures of Federal Awards (SEFA) and data collection form.

13. **RECORDS:** The Subgrantee assures that all records shall be subject at all reasonable times to inspection, review, or audit by State personnel and other personnel duly authorized by the KCJCC, as well as Federal personnel. The Subgrantee assures that all financial records, supporting documentation, statistical records, and all other records pertinent to the grant award shall be retained by the Subgrantee for at least five years following the closeout of the grant award.

The Subgrantee shall cooperate with any assessments, national evaluation efforts, or information or data collection requests, including, but not limited to, the provision of any information required for the assessment or evaluation of activities within this project.

14. **EQUIPMENT:** The Subgrantee shall submit reports detailing the purchase of equipment within 30 days of the payment date. The Subgrantee assures that equipment purchased through this grant project will continue to be used for the purpose it was purchased for as long as needed, whether or not the agency continues to be supported by JAG. The Subgrantee assures that services provided that utilize the equipment purchased by this grant program shall continue to be reported to the KCJCC annually for as long as the equipment is used. The Subgrantee assures that, to the extent practicable, all equipment and products purchased with grant funds shall be American made.

15. **FOOD AND/OR BEVERAGE:** The Subgrantee shall not use any portion of these funds, either directly or indirectly, to purchase food and/or beverage for any meeting, conference, training, or other event. This restriction does not apply to direct payments of per diem amounts to Subgrantee JAG-funded staff in a travel status under the Subgrantee's travel policy.

16. **PUBLISHED MATERIAL:** All issued statements, publicity releases, or other documents describing the funded grant projects, as well as all materials developed or published with funds from this grant award, shall contain an acknowledgment of support comparable to the following:

"This grant project is supported by subgrant number 14-JAG-11 awarded by the Kansas Criminal Justice Coordinating Council for the Federal Bureau of Justice Assistance, Office of Justice Programs as administered by the Kansas Governor's Grants Program. The opinions, findings, and conclusions, or recommendations expressed in this publication, program, or exhibition are those of the author(s) and do not necessarily reflect the views of the Kansas Criminal Justice Coordinating Council or the U.S. Department of Justice."

The Subgrantee assures that two copies of all materials published with funds from this grant award shall be submitted to the KGGP at least 30 days prior to publication. Similarly, the Subgrantee shall submit two copies of all training information including



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training dates, agendas, and handout materials funded by this grant award to the KGGP at least 30 days prior to the training dates.

17. **EQUAL EMPLOYMENT OPPORTUNITY PLAN:** The Subgrantee assures that it has formulated an equal employment opportunity plan (EEOP) if required by federal and state law. The Subgrantee assures that it has provided to the KGGP the name of a civil rights person who has lead responsibility for ensuring that all applicable civil rights requirements are met. This person shall act as a liaison for civil rights issues with the U.S. Department of Justice, Office of Justice Programs, Office of Civil Rights.

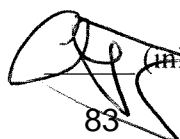
The Subgrantee shall complete the Federal Office of Civil Rights' Certification Form and submit it to the KGGP. The Certification Form must be received by the KGGP before the Subgrantee is allowed access to JAG funds.

The Subgrantee acknowledges that failure to submit an acceptable EEOP may result in suspension or termination of funding until such time as the Subgrantee is in compliance.

18. **CIVIL RIGHTS AND NONDISCRIMINATION:** The Subgrantee assures that all grant projects provided by the Subgrantee shall comply with all applicable nondiscrimination requirements including, but not limited to, the Omnibus Crime Control and Safe Streets Act of 1968, as amended, 42 U.S.C. §3789(d); Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000(d) *et seq.*; Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. §794; Subtitle A, Title II of the Americans with Disabilities Act (ADA) of 1990, as amended, 42 U.S.C. §12131 *et seq.*; Title IX of the Education Amendments of 1972, 20 U.S.C. §1681 *et seq.*; the Age Discrimination Act of 1975, 42 U.S.C. §6101 *et seq.*; Department of Justice Non-Discrimination Regulations, 28 C.F.R. Part 42, Subparts C, D, E, and G; Department of Justice regulations on disability discrimination, 28 C.F.R. Part 35 and Part 39; and 28 C.F.R. Part 46 and all U.S. Department of Justice, Office of Justice Programs policies and procedures regarding the protection of human research subjects.

The Subgrantee assures that in the event a federal or state court or federal or state administrative agency makes a finding of discrimination after a due process hearing on the grounds of race, color, religion, national origin, sex, age, or disability against the Subgrantee, the Subgrantee shall forward a copy of the findings to the KGGP and the U.S. Department of Justice, Office of Justice Programs, Office of Civil Rights.

19. **EQUAL TREATMENT FOR FAITH-BASED ORGANIZATIONS:** The Subgrantee assures that all grant projects provided by the Subgrantee shall comply with the Equal Treatment for Faith-Based Organizations Regulation, 28 C.F.R. Part 38 and amendments thereto. The Subgrantee shall not discriminate against prospective program beneficiaries on the basis of religion. The Subgrantee shall not use grant funds for explicitly religious activities, such as worship, religious instruction, or proselytization. Recipients of direct grants may still engage in explicitly religious activities, but such activities must be separate in time or place from the grant-funded program and participation in such activities by individuals receiving services from the Subgrantee must be voluntary.

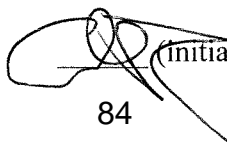


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20. **POLITICAL ACTIVITY:** The Subgrantee shall comply with all applicable federal and state statutes and regulations applicable to political activity restrictions and requirements including, but not limited to, The Hatch Act, 5 U.S.C. §7321-7326, as amended; 5 C.F.R. Part 733 and 5 C.F.R. Part 734 subparts A-G; K.S.A. 75-2953; K.S.A. 25-4169a; and K.S.A. 75-2949f. Frequently asked questions regarding The Hatch Act can be found at <http://www.osc.gov/haFederalfaq.htm>.
21. **LIMITATION ON LOBBYING ACTIVITIES:** The Subgrantee shall not use any federal funds, either directly or indirectly, in support of the enactment, repeal, modification, or adoption of any law, regulation, or policy at any level of government without the express prior approval of the Federal Office of Justice Programs or the KCJCC.
22. **LIMITED ENGLISH PROFICIENCY:** The Subgrantee assures that procedures have been or will be developed to ensure meaningful access by persons with limited English proficiency who are eligible for assistance or services from any Subgrantee program assisted under JAG.

For additional guidance in complying with the LEP assurance, please refer to the U.S. Department of Justice *Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons* at 67 C.F.R. 41455 (June 18, 2002) or [www.lep.gov](http://www.lep.gov).

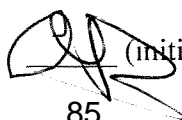
23. **INFORMATION TECHNOLOGY:** In order to promote information sharing and enable interoperability among disparate systems across the justice and public safety community, the Subgrantee assures compliance with the U.S. Department of Justice's Global Justice Information Sharing Initiative guidelines and recommendations for this particular grant, where applicable. The Subgrantee shall conform to the Global Standards Package (GSP) and all constituent elements ([http://www.it.ojp.gov/gsp\\_grantcondition](http://www.it.ojp.gov/gsp_grantcondition)), and shall document planned approaches to information sharing and describe compliance to the GSP and appropriate privacy policy that protects shared information, or provide detailed justification for why an alternative approach is recommended.
24. **TEXT MESSAGING:** The Subgrantee is encouraged to adopt and enforce policies banning employees from text messaging while driving any vehicle during the course of performing work funded by this grant, and should establish workplace safety policies and conduct education, awareness, and other outreach to decrease crashes caused by distracted drivers.
25. **HISTORIC PRESERVATION:** The Subgrantee assures compliance with Section 106 of the National Historic Preservation Act of 1966, as amended, 16 U.S.C. §470, Executive Order 11593, and the Archeological and Historic Preservation Act of 1966, 16 U.S.C. §569 a-1 *et seq.* The Subgrantee shall comply with all Federal, State, and local environmental laws and regulations applicable to the development and implementation of the activities to be funded under this award.

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26. **NATIONAL ENVIRONMENTAL POLICY ACT:** The Subgrantee assures compliance with the National Environmental Policy Act (NEPA) and other related federal environmental impact analysis requirements in the use of these grant funds. The Subgrantee understands that this applies to new activities whether or not they are being specifically funded by these grant funds. That is, as long as the activity is being conducted by the Subgrantee and the activity needs to be undertaken in order to use these grant funds, this assurance must first be met. The Subgrantee shall notify the KGGP prior to any of the activities taking place. The activities covered by this provision are:
- a. New Construction;
  - b. Minor renovation or remodeling of a property located in an environmentally or historically sensitive area, including properties located within a 100-year flood plain, a wetland or a habitat for endangered species, or a property listed on or eligible for listing on the National Register of Historic Places;
  - c. A renovation, lease, or any proposed use of a building or facility that will either (a) result in a change in its basic prior use or (b) significantly change its size;
  - d. Implementation of a new program involving the use of chemicals other than chemicals that are (a) purchased as an incidental component of a funded activity and (b) traditionally used, for example, in office, household, recreational, or education environments; and
  - e. Implementation of a program relating to clandestine methamphetamine laboratory operations, including the identification, seizure, or closure of clandestine methamphetamine laboratories.

The Subgrantee assures it will cooperate with the Federal Bureau of Justice Assistance (BJA) in any preparation by BJA of a national or program environmental assessment of the funded program activity.

27. **DISCLAIMER OF LIABILITY:** Neither the State of Kansas nor any agency thereof shall hold harmless or indemnify any Subgrantee beyond that liability incurred under the Kansas Tort Claims Act (K.S.A. 75-6101 *et seq.*).
28. **INSURANCE:** The KCJCC shall not purchase any insurance against loss or damage to any personal property purchased with grant funds. Subject to the provisions of the Kansas Tort Claims Act (K.S.A. 75-6101 *et seq.*), the Subgrantee shall bear the risk of any loss or damage to any personal property purchased with grant funds.
29. **ADDITIONAL REQUIREMENTS:** The Subgrantee understands and agrees to comply with any additional requirements that may be imposed during the grant performance period if the KGGP and/or KCJCC determine that the agency is a high-risk Subgrantee.
30. **MISUSE OF GRANT FUNDS:** The Subgrantee understands and agrees that misuse of grant funds may result in a range of penalties, including suspension of current and future grant funds, suspension or debarment from state and/or federal grants, recoupment of monies provided under the grant award, and civil and/or criminal penalties.



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31. **FRAUD, WASTE, AND ABUSE:** The Subgrantee shall promptly refer to the U.S. Department of Justice, Office of the Inspector General and the KGGP any credible evidence that a principal, employee, agent, contractor, subgrantee, subcontractor, or other person has submitted a false claim for JAG funds under the False Claims Act or committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct involving JAG funds. Potential fraud, waste, abuse, or misconduct should be reported to:

Office of the Inspector General  
U.S. Department of Justice  
Investigations Division  
950 Pennsylvania Ave, N.W.  
Room 4706

AND

Kansas Governor's Grants Program  
Landon State Office Bldg, Room 304 North  
900 SW Jackson Street  
Topeka, KS 66612-1220

Washington, DC 20530

[oig.hotline@usdoj.gov](mailto:oig.hotline@usdoj.gov)

Hotline: 800-869-4499

Hotline Fax: 202-616-9881

32. **UNUSED FUNDS:** The Subgrantee shall return to the KGGP any unobligated grant funds on hand within 10 business days after the final Financial Status Report is due.
33. **CORRESPONDENCE AND REPORTS:** All correspondence, reports, and other documentation required by this grant shall be submitted through the Kansas Governor's Grants Program Grant Portal at <https://www.kansas.gov/grants/index.do>, with the exception of the Grant Assurances. Grant Assurances shall be signed, scanned, and emailed to [kim.gerety@ks.gov](mailto:kim.gerety@ks.gov) or mailed to the **Kansas Governor's Grants Program, Landon State Office Building, Room 304 North, 900 SW Jackson Street, Topeka, Kansas 66612-1220.**
34. **FAILURE TO COMMENCE GRANT PROJECT:** If the activities described in the grant application have not commenced within 60 days after acceptance of the grant award, the Subgrantee shall report in writing the steps taken to initiate the grant project, the reasons for delay, and the expected starting date. If the activities have not commenced within the next 30 days of receipt of the above correspondence, a further statement in writing regarding the delay shall be submitted to the KCJCC. Upon receipt of the second correspondence, the KCJCC may terminate the grant and all unused grant funds shall be returned together with a complete accounting of all expenditures.
35. **RIGHT TO TERMINATE:** The KCJCC reserves the right to terminate any grant award and cease payment to the Subgrantee for failure to comply with applicable laws, regulations, and/or terms and conditions of the grant assurances. Further, the KCJCC may seek reimbursement of any or all grant funds and may reclaim any equipment, durable goods, and other property purchased with these grant funds if the Subgrantee fails to perform in accordance with the terms of the grant assurances and reporting requirements.

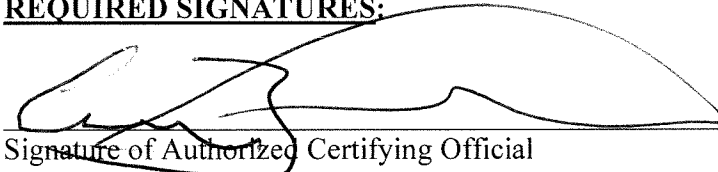


(Initials of Authorized Certifying Official)

36. SPECIAL CONDITION(S):

- (a) The Subgrantee shall attend a webinar training regarding the Grant Assurances and Reporting Requirements at 9:00 am, July 16, 2013. Failure to participate in the webinar could result in the interruption or suspension of the grant award. The KGGP has emailed access instructions to the Subgrantee primary contact.
- (b) The Subgrantee agrees to comply with the requirements of 28 C.F.R. Part 46 and all Office of Justice Programs policies and procedures regarding the protection of human research subjects, including obtainment of Institutional Review Board approval, if appropriate, and subject informed consent.
- (c) The Subgrantee agrees to comply with all confidentiality requirements of 42 U.S.C. §3789g and 28 C.F.R. Part 22 that are applicable to collection, use, and revelation of data or information. The Subgrantee further agrees, as a condition of grant approval, to submit a Privacy Certificate that is in accord with requirements of 28 C.F.R. Part 22 and, in particular, section 22.23.
- (d) The Federal JAG funds cannot be relied upon by the agency to maintain this grant project. The Subgrantee should actively pursue other funding opportunities to continue and sustain this grant project.
- (e) The Subgrantee shall revise the grant project budget in the Grant Portal to remove the Equipment Repair and Maintenance line item, no later than August 7, 2013.
- (f) The Subgrantee shall submit the required audit information, including the location of record for the city, upon the completion of the 2012 audit report, but no later than September 30, 2013.


37. REQUIRED SIGNATURES:

 7/16/13  
Signature of Authorized Certifying Official Date

Carl Brewer  
Type or Print Name of Authorized Certifying Official

Mayor  
Title

455 N. Main Wichita KS 67202-1600  
Address (Street, City, State, Zip Code)

 (initials of Authorized Certifying Official)

**Second Reading Ordinances for August 13, 2013 (first read on July 23, 2013)**

**A. 2014 Annual Operating Budget and 2013 Budget Revisions.**

**ORDINANCE NO. 49-540**

AN ORDINANCE MAKING AND FIXING GENERAL TAX LEVY FOR THE CITY OF WICHITA, KANSAS, FOR THE YEAR BEGINNING JANUARY 1, 2014, AND ENDING DECEMBER 31, 2014, AND RELATING THERETO, AND CONCURRENTLY APPROVING CERTAIN AMENDMENTS TO THE 2013 ADOPTED BUDGET.

**ORDINANCE NO. 49-541**

AN ORDINANCE MAKING AND FIXING GENERAL TAX LEVY FOR THE DOWNTOWN WICHITA SELF-SUPPORTED MUNICIPAL IMPROVEMENT DISTRICT FOR THE YEAR BEGINNING JANUARY 1, 2014, AND ENDING DECEMBER 31, 2014.

**ORDINANCE NO. 49-542**

AN ORDINANCE MAKING AND FILING AN INCREMENT IN AD VALOREM TAXES FOR THE EAST BANK REDEVELOPMENT DISTRICT, CITY OF WICHITA, KANSAS, FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2014, AND ENDING DECEMBER 31, 2014.

**ORDINANCE NO. 49-543**

AN ORDINANCE MAKING AND FILING AN INCREMENT IN AD VALOREM TAXES FOR THE OLD TOWN CINEMA REDEVELOPMENT DISTRICT, CITY OF WICHITA, KANSAS, FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2014, AND ENDING DECEMBER 31, 2014.

**ORDINANCE NO. 49-544**

AN ORDINANCE MAKING AND FILING AN INCREMENT IN AD VALOREM TAXES FOR THE 21ST AND GROVE REDEVELOPMENT DISTRICT, CITY OF WICHITA, KANSAS, FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2014, AND ENDING DECEMBER 31, 2014.

**ORDINANCE NO. 49-545**

AN ORDINANCE MAKING AND FILING AN INCREMENT IN AD VALOREM TAXES FOR THE NORTHEAST REDEVELOPMENT DISTRICT, CITY OF WICHITA, KANSAS, FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2014, AND ENDING DECEMBER 31, 2014.



ORDINANCE NO. 49-547

AN ORDINANCE MAKING AND FILING AN INCREMENT IN AD VALOREM TAXES FOR THE GILBERT AND MOSLEY SITE REDEVELOPMENT DISTRICT, CITY OF WICHITA, KANSAS, FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2014, AND ENDING DECEMBER 31, 2014.

ORDINANCE NO. 49-548

AN ORDINANCE MAKING AND FILING AN INCREMENT IN AD VALOREM TAXES FOR THE NORTH INDUSTRIAL CORRIDOR REDEVELOPMENT DISTRICT, CITY OF WICHITA, KANSAS, FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2014, AND ENDING DECEMBER 31, 2014

**Second Reading Ordinances for August 13, 2013 (first read on August 6, 2013)**

**A. Approval of Economic Development Incentive Agreement, Triumph Aerospace Systems, Inc. (District 1)**

ORDINANCE NO. 49-551

AN ORDINANCE OF THE CITY OF WICHITA, KANSAS, AUTHORIZING, PRESCRIBING THE FORM AND AUTHORIZING THE EXECUTION OF A ECONOMIC DEVELOPMENT GRANT AGREEMENT BY AND BETWEEN TRIUMPH AEROSPACE SYSTEMS, INC. AND THE CITY OF WICHITA, KANSAS.

**B. Ordinances Amending Chapter 5.68 Relating to Sex Trafficking, Prostitution and Morals Offenses.**

ORDINANCE NO.49-552

AN ORDINANCE AMENDING SECTIONS 5.68.010, 5.68.020, 5.68.110, 5.68.190, 5.68.210, 5.68.215 AND 5.68.218 OF THE CODE OF THE CITY OF WICHITA, KANSAS, AND REPEALING THE ORIGINAL OF SECTIONS 5.68.010, 5.68.020. 5.68.030, 5.68.110, 5.68.170. 5.68.180, 5.68.190, 5.68.210, 5.68.215 AND 5.68.218 OF THE CODE OF THE CITY OF WICHITA .

**C. Ordinance changes to the Wichita/Sedgwick County Building and Trade Code.**

ORDINANCE NO. 49-555

AN ORDINANCE AMENDING SECTIONS 4.2.070 AND 4.3.030 ; CREATING SECTION 4.2.035; AND REPEALING THE ORIGINALS OF SECTIONS 4.2.070 AND 4.3.030; OF THE WICHITA/SEDGWICK COUNTY UNIFIED BUILDING AND TRADE CODE.

City of Wichita  
City Council Meeting  
August 13, 2013

**TO:** Mayor and City Council

**SUBJECT:** ZON2013-00015 – Zone change request from SF-5 Single-family Residential to TF-3 Two-family Residential and MF-18 Multi-family Residential, subject to Protective Overlay #276 that restricts Lots 7 and 8, Block 2, Terradyne West Addition to single-family, two-family or three-family residential uses, on property located at the intersection of North Brookhaven Drive and East Majestic Street (District II)

**INITIATED BY:** Metropolitan Area Planning Department

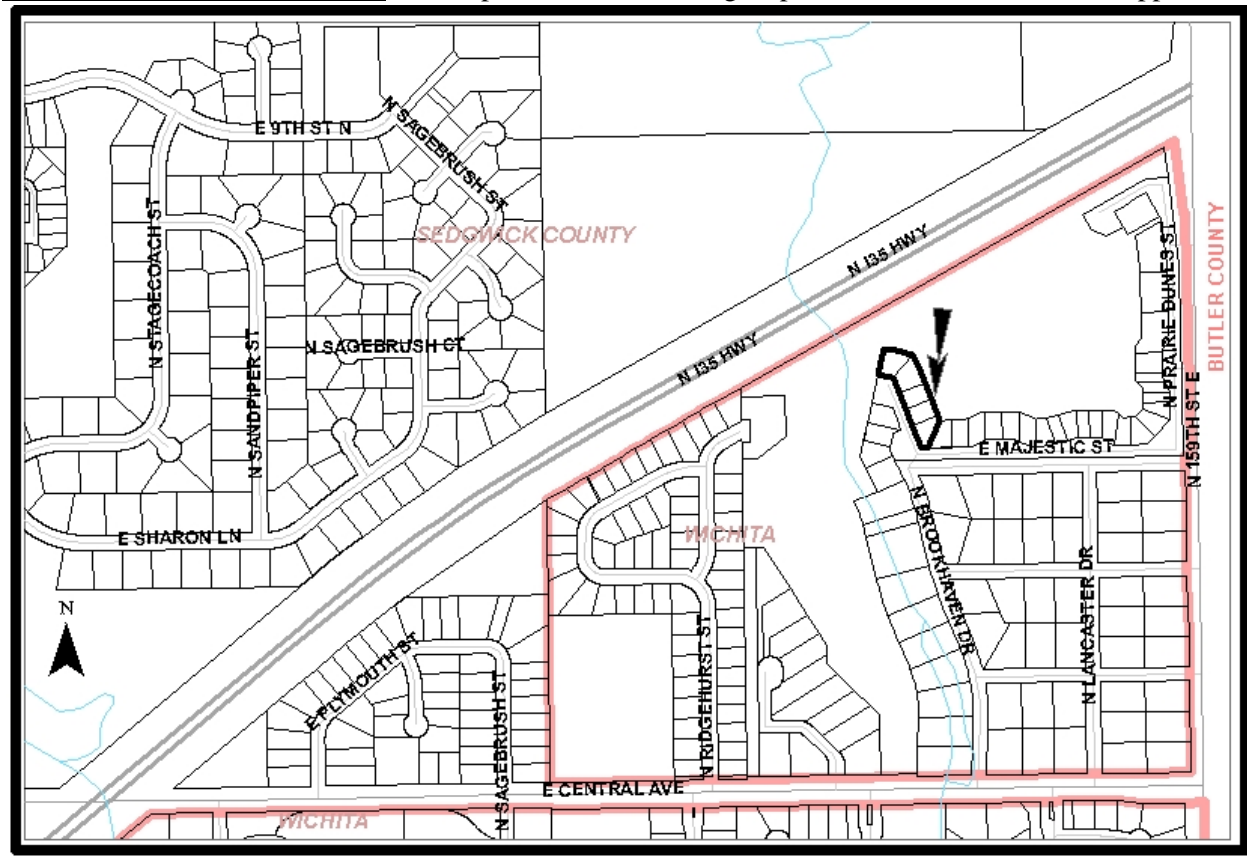
**AGENDA:** Planning (consent)

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**MAPC Recommendation:** The MAPC recommended approval subject to a Protective Overlay #276 (9-0).

**DAB Recommendation:** District Advisory Board II recommended approval (8-0).

**MAPD Staff Recommendation:** Metropolitan Area Planning Department staff recommended approval.



**Background:** The application area is seven platted lots zoned SF-5 Single-family Residential (TF-3) that contains 1.02 acres located north of East Majestic Street and east of North Brookhaven Drive. The applicants are seeking TF-3 Two-family Residential (TF-3) zoning on Lots 9-13, Block 2, Terradyne West Addition (the five southernmost lots) and MF-18 Multi-family Residential (MF-18) zoning subject to a Protective Overlay that limits Lots 7 and 8, Block 2, Terradyne West Addition (the two westernmost lots) to single-family, duplex or three-family residential structures. (The map shown above shows the original five platted lots. Lot splits and/or boundary shifts done after platting have created two additional building sites not shown on the graphic.)

All of these lots back up to a golf driving range that is zoned SF-5. Further north is the Kansas Turnpike. Land to the east is zoned SF-5, is part of a golf driving range/course or is platted for single-family residential. South across East Majestic Street and East Sharon Lane are single-family residences zoned SF-5. Land to the west is also zoned SF-5, and is developed with the golf driving range/course. Lots located to the extreme eastern edge of the driving range, on North Prairie Dunes Street, have previously been zoned MF-18 and TF-3.

**Analysis:** District Advisory Board (DAB) II heard the rezone request on July 1, 2013, and recommended unanimous (8-0) approval, subject to the recommended conditions found in the staff report. There were not any members of the public present to speak to the request.

At the Metropolitan Area Planning Commission (MAPC) meeting held on July 11, 2013, the MAPC voted (9-0) to recommend approval of the request subject to Protective Overlay #276 (PO #276) that limits the site to single-family, two-family or three-family residential uses. There were not any neighboring property owners present to speak to the request, and there have not been any protests filed.

**Financial Considerations:** Approval of this request will not create any financial obligations for the City.

**Legal Considerations:** The Law Department has reviewed and approved the ordinance as to form.

**Recommendation/Actions:** It is recommended that the City Council 1) Adopt the findings of the MAPC, approve the zone change request subject to Protective Overlay #276 that limits the site to single-family, two-family or three-family residential uses, place the ordinance on first reading and authorize the Mayor to sign the ordinance (simple majority vote required).

**Attachments:** Ordinance, MAPC minutes and DAB memo.

ORDINANCE NO. 49-558

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C, AS ADOPTED BY SECTION 28.04.010, AS AMENDED.

BE IT ORDAINED BY THE GOVERNING BODY  
OF THE CITY OF WICHITA, KANSAS.

**SECTION 1.** That having received a recommendation from the Planning Commission, and proper notice having been given and hearing held as provided by law and under authority and subject to the provisions of The Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, the zoning classification or districts of the lands legally described hereby are changed as follows:

**Case No. ZON2013-00015**

Zone change from SF-5 Single-Family Residential ("SF-5") to TF-3 Two-family Residential (TF-3) and MF-18 Multi-family Residential (MF-18) subject to Protective Overlay #276 on approximately 1.02 acres described as:

Lots 7, 8, 9, 10, 11, 12 and 13, Block 2, Terradyne West Addition to Wichita, Sedgwick County, Kansas.

**SUBJECT TO THE FOLLOWING PROVISIONS OF PROTECTIVE OVERLAY DISTRICT #276:**

Lots 7 and 8, Block 2, Terradyne West Addition are restricted to the following uses:  
single-family residential, two-family residential or three-family residential uses.

**SECTION 2.** That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita -Sedgwick County Unified Zoning Code as amended.

**SECTION 3.** That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

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Carl Brewer - Mayor

**ATTEST:**

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Karen Sublett, City Clerk

(SEAL)

Approved as to form: \_\_\_\_\_  
Gary E. Rebenstorf, City Attorney

**EXCERPT MINUTES OF THE JULY 11, 2013 WICHITA-SEDGWICK COUNTY  
METROPOLITAN AREA PLANNING COMMISSION HEARING**

**Case No.: ZON2013-00015** – Wapenschaw, LLC and LCS Builders, Inc./ Poe & Associates, Inc. (Tim Austin) request City zone change from SF-5 Single-Family Residential to TF-3 Two-Family Residential (Lots 9-13, the three southernmost lots) and MF-18 Multi-Family Residential with a Protective Overlay (Lots 7 - 8, the two westernmost lots) on property described as:

Lots 7, 8, 9, 10, 11, 12 and 13, Block 2, Terradyne West Addition to Wichita, Sedgwick County, Kansas.

**BACKGROUND:** The application area is seven platted lots zoned SF-5 Single-family Residential (TF-3) that contains 1.02 acres located north of East Majestic Street and east of North Brookhaven Drive. The applicants are seeking TF-3 Two-family Residential (TF-3) zoning on Lots 9-13, Block 2, Terradyne West Addition (the five southernmost lots) and MF-18 Multi-family Residential (MF-18) zoning subject to a Protective Overlay that limits Lots 7 and 8, Block 2, Terradyne West Addition (the two westernmost lots) to single-family, duplex or triplex residential structures. (The map shown above shows the original five platted lots. Lot splits and/or boundary shifts done after platting have created two additional building sites not shown on the graphic.)

All of these lots back up to a golf driving range that is zoned SF-5. Further north is the Kansas Turnpike. Land to the east is zoned SF-5, is part of a golf driving range/course or is platted for single-family residential. South across East Majestic Street and East Sharon Lane are single-family residences zoned SF-5. Land to the west is also zoned SF-5, and is developed with the golf driving range/course. Lots located to the extreme eastern edge of the driving range, on North Prairie Dunes Street, have previously been zoned MF-18 and TF-3.

**CASE HISTORY:** Terradyne West Addition, Wichita, Sedgwick County, Kansas, which was recorded with the Register of Deeds December 6, 2006, and was annexed into the City of Wichita in October of 2006.

**ADJACENT ZONING AND LAND USE:**

North: SF-5; driving range/golf course  
South: SF-5; single-family residences  
East: SF-5; golf course/driving range, single-family residences  
West: SF-5; golf course

**PUBLIC SERVICES:** Municipal services are available or are available for extension to serve the subject site.

**CONFORMANCE TO PLANS/POLICIES:** The 2030 Wichita Functional Land Use Guide map depicts the site as appropriate for “urban development mix,” and the site is located within “Wichita’s 2030 urban growth area.” The urban development mix encompasses areas of land that will likely be developed or redeveloped with the next 30 years with uses predominately found in the “urban residential” category.

**RECOMMENDATION:** Based upon the information available at the time this report was prepared, staff recommends approval of the TF-3 and MF-18 zoning, the proposed MF-18 lots subject to Protective Overlay (PO) #276. PO #276 restricts Lots 7 and 8, Block 2, Terradyne West Addition to the following uses: single-family residential, two-family residential or three-family residential uses.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The application area backs up to a golf driving range that is zoned SF-5. Further north is the Kansas Turnpike. Land to the east is zoned SF-5, is part of a golf driving range/course or is platted for single-family residential. South across East Majestic Street and East Sharon Lane are single-family residences zoned SF-5. Land to the west is also zoned SF-5, and is developed with the golf course. Lots located to the extreme eastern edge of the driving range, on North Prairie Dunes Street, have previously been zoned MF-18 and TF-3.
2. The suitability of the subject property for the uses to which it has been restricted: The property has been zoned SF-5 since October 2006, and is vacant. The SF-5 district is the most restrictive zoning district located within the City of Wichita, limiting uses primarily to single-family residences and a few public or institutions uses such as churches or schools. Since the property is undeveloped, it could be asserted that the current zoning is not suitable.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The property is fairly isolated from other existing single-family residences by the street layout and the golf course. The lots abutting the application area are part of the original subdivision; therefore, approval of the request subject to the requested Protective Overlay should not negatively impact nearby property.
4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Approval presumably represents an economic gain to the owners of the property and would make the property more attractive to potential users by increasing the type of housing that could be built.
5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The 2030 Wichita Functional Land Use Guide map depicts the site as appropriate for “urban development mix,” and the site is located within “Wichita’s 2030 urban growth area.” The urban development mix encompasses areas of land that will likely be developed or redeveloped with the next 30 years with uses predominately found in the “urban residential” category.
6. Length of time the property has remained vacant: The plat containing the application area was recorded in 2006. The application area is currently vacant.
7. Impact of the proposed development on community facilities: Existing facilities are either in place or can be extended to the site.

**DALE MILLER**, Planning Staff presented the Staff Report.

**MOTION:** To approve subject to staff recommendation.

**MCKAY** moved, **MILLER STEVENS** seconded the motion, and it carried (9-0).





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**INTEROFFICE  
MEMORANDUM**

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**TO:** MAPC

**FROM:** Janet Johnson, Neighborhood Assistant

**SUBJECT:** **ZON2013-00015**: Request for a change from SF-5 Single-family Residential to TF-3 Two-family Residential and MF-18 Multi-family Residential subject to a Protective Overlay

**DATE:** July 2, 2013

On Monday, July 1, 2013, the District II Advisory Board considered a request for a change from SF-5 Single-family Residential to TF-3 Two-family Residential and MF-18 Multi-family Residential subject to a Protective Overlay.

The application area is seven platted lots zoned SF-5 Single-family Residential that contains 1.02 acres located north of East Majestic Street and east of North Brookhaven Drive. The applicants are seeking TF-3 Two-family Residential (TF-3) zoning on Lots 9-13, Block 2, Terradyne West Addition (the five southernmost lots) and MF-18 Multi-family Residential (MF-18) zoning subject to a Protective Overlay that limits Lots 7 and 8, Block 2, Terradyne West Addition (the two westernmost lots) to single-family, duplex or triplex residential structures.

**The DAB II members voted 8-0 to recommend approval of the TF-3 and MF-18 zoning, the proposed MF-18 lots subject to Protective Overlay (PO) #276. PO #276 restricts Lots 7 and 8, Block 2, Terradyne West Addition to the following uses: single-family residential, two-family residential or three-family residential uses.**

City of Wichita  
City Council Meeting  
August 13, 2013

**TO:** Mayor and City Council

**SUBJECT:** SUB2013-00015 -- Plat of K96 and Greenwich North Addition located on the east side of Greenwich, south of 29<sup>th</sup> Street North (District II)

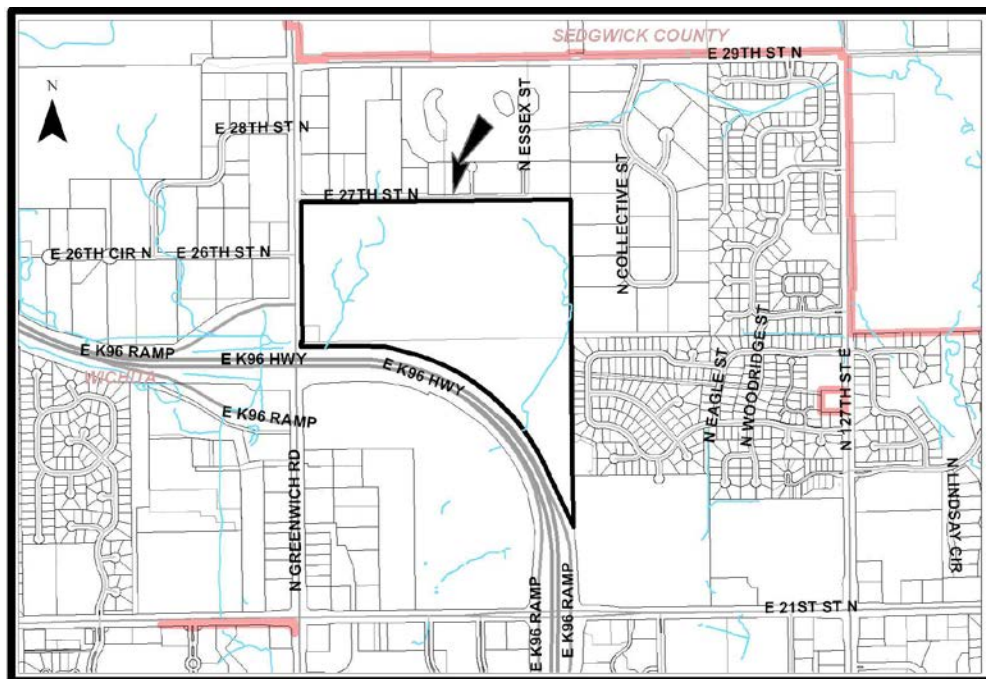
**INITIATED BY:** Metropolitan Area Planning Department

**AGENDA:** Planning (Consent)

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**Staff Recommendation:** Approve the plat.

**MAPC Recommendation:** Approve the plat. (8-0)



**Background:** The site, consisting of 15 lots on 105.64 acres, is located within Wichita. A zone change (ZON2004-00069) has been approved from SF-5 Single-family Residential to LI Limited Industrial. The site is subject to the K96 and Greenwich North Community Unit Plan (CUP2013-00006, DP-333).

**Analysis:** Sewer, water and paving improvements will be handled through a Developer's Agreement associated with a Star Bond. The applicant has submitted a Drive Approach Certificate regarding the driveways required to be closed by access controls, which are being dedicated by the plat. The applicant has submitted a Restrictive Covenant to provide for the ownership and maintenance responsibilities of the reserves being platted. The applicant has submitted a Notice of Community Unit Plan (CUP) identifying the approved CUP and special conditions for development. The applicant has submitted a Cross-lot Circulation Agreement to assure internal vehicular movement between the lots.

The plat has been reviewed and approved by the Metropolitan Area Planning Commission subject to conditions.

Publication of the Ordinance should be withheld until the plat is recorded with the Register of Deeds.

**Financial Considerations:** There are no financial considerations associated with the plat.

**Legal Considerations:** The Law Department has reviewed and approved the Drive Approach Certificate, Restrictive Covenant, Notice of Community Unit Plan and a Cross-lot Circulation Agreement as to form and the documents will be recorded with the Register of Deeds.

The Law Department has reviewed and approved the Ordinance as to form.

**Recommendations/Actions:** It is recommended that the City Council approve the documents and plat, authorize the necessary signatures and place the Ordinance on first reading.

**Attachments:** Drive Approach Certificate.  
Restrictive Covenant.  
Notice of Community Unit Plan.  
Cross-lot Circulation Agreement.  
Ordinance.

COPY

**DRIVE APPROACH CERTIFICATE**

Medical Practice Association Properties, LLC, and K-96 Destination Development, Inc., the owners of K96 and Greenwich North Addition, an addition to Wichita, Sedgwick County, Kansas, is in the process of Platting said property, and does hereby acknowledge that in accordance with the requirements of the platting process as set forth by the City of Wichita, any existing drive approaches on Greenwich Road. in excess of the two allowed at the locations designated on the plat, shall be closed.

This is to place on notice the owner(s) of the above-described property and subsequent owner(s) thereof that, as a result of the above-cited platting requirements, said owner(s) and subsequent owner(s) thereof are responsible for seeing that such drive approach or approaches are removed and closed per City of Wichita specifications for such work, and that sufficient guaranty of such closure(s), in a form acceptable to the City of Wichita (e.g. – bond, cash, letter of credit, etc.) and/or acknowledgement that the City of Wichita may withhold the issuance of an occupancy permit for any future building construction, will be a pre-condition of the issuance of any future building permit for all development on the above-described property.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

**MEDICAL PRACTICE ASSOCIATION PROPERTIES, LLC**  
**A Kansas Limited Liability Company**

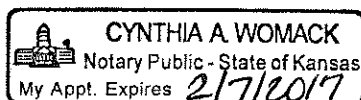
By: *Lorene Valentine*  
Lorene Valentine, Manager

ATTEST:

Sedgwick County            ) SS  
State of Kansas            )

BE IT REMEMBERED, that on this 15<sup>th</sup> day of July, 2013, before me, the undersigned, a Notary Public in and for the State and County aforesaid, came Lorene Valentine, Manager, Medical Practice Association Properties, LLC, a Kansas Limited Liability Company, to me personally known to be the person who executed the foregoing instrument, and duly acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, the day and year last above written.



*Cynthia A. Womack*  
Notary Public

My Commission Expires: February 7, 2017

**K-96 DESTINATION DEVELOPMENT, INC.**

By: \_\_\_\_\_

Michael J. Boyd, Manager

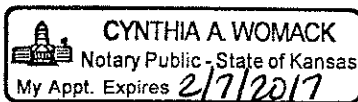
ATTEST:

Sedgwick County ) SS

State of Kansas )

BE IT REMEMBERED, that on this 15<sup>th</sup> day of July, 2013, before me, the undersigned, a Notary Public in and for the State and County aforesaid, came Michael J. Boyd, Manager, K-96 Destination Development, Inc., to me personally known to be the person who executed the foregoing instrument, and duly acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, the day and year last above written.



Cynthia A. Womack  
Notary Public

My Commission Expires: February 7, 2017

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Gary E. Rebenstorf, Director of Law  
City of Wichita, Kansas

COPY

### RESTRICTIVE COVENANT

This covenant, executed this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

W I T N E S S E T H:      That,

WHEREAS, the undersigned is in the process of platting that certain real property to be known as K96 and Greenwich North Addition, an addition to Wichita, Sedgwick County, Kansas; and

WHEREAS, as a part of the platting process certain requirements have been made by The City of Wichita regarding maintenance of reserves, the establishment of an owners association, and providing for the maintenance of reserves being platted.

NOW, THEREFORE, the undersigned does hereby subject K96 and Greenwich North Addition, an addition to Wichita, Sedgwick County, Kansas, to have the following covenants and restrictions.

1. At such time as the property shall become developed by erection of improvements thereon the undersigned agrees to cause an association to be formed to provide for the care, maintenance and upkeep of the reserves, and the common areas.
2. The reserves located in said Addition will be conveyed to the association at such time as the project is sold to or occupied by owners or tenants other than the undersigned.
3. Until said reserves are so conveyed, the ownership and maintenance of the reserves shall be by the undersigned.
4. The owners of the reserves shall bear the cost of any repair or replacement of improvements within said reserves resulting from street construction, repair or maintenance.
5. The covenants, conditions, and restrictions on the property created and established in this instrument may be waived, terminated, or modified only upon written consent of the City of Wichita. No such waiver, termination or modification shall be effective until such written consent is recorded in the office of the Register of Deeds for Sedgwick County, Kansas.
6. In the event that the Undersigned or the association, its' successors or assigns, shall fail at any time to maintain the Reserves dedicated for Drainage or fail in any manner to fulfill their obligation relating to the Reserves dedicated for Drainage, City of Wichita may serve a written Notice of Delinquency upon the Undersigned or the Association setting forth the manner in which the Undersigned or the Association has failed to fulfill its' obligations. Such Notice shall include a statement describing the obligation that has not been fulfilled and shall grant twenty (20) days within which the Undersigned or the Association may fulfill the obligation. If said obligation is not fulfilled within the time specified, the City of Wichita, in order to preserve the taxable value of the properties within the Addition and to prevent the Reserves dedicated for Drainage from becoming a nuisance, may enter upon said Reserves dedicated for Drainage and perform the obligations listed in the Notice of Delinquency. All costs incurred by the City of Wichita in carrying out the obligations of the Undersigned or the Association may be assessed against the Reserves in the same manner as provided by law for such assessments and said assessments may be established as liens upon said Reserves. Should the Undersigned or the Association, its

successors or assigns, upon receipt of said Notice of Delinquency believe that the obligations described in said Notice are not proper for any reason, it may, within the twenty-day period to be provided in said Notice, apply for a hearing before the City Council to appeal said assessments, and any further proceedings under said Notice shall be suspended pending the outcome of any proceedings with respect to such appeal.

This covenant runs with the land and is binding on future owners and assigns.

IN WITNESS WHEREOF THIS covenant has been executed by the undersigned as its act and deed upon this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

**MEDICAL PRACTICE ASSOCIATION PROPERTIES, LLC**  
**A Kansas Limited Liability Company**

BY: *Lorene Valentine*  
Lorene Valentine, Manager

STATE OF KANSAS        ) ss  
SEDGWICK COUNTY     )

Be it remembered that on this 15<sup>th</sup> day of July, 2013, before me a Notary Public in and for said State and County, came Lorene Valentine, Manager, Medical Practice Association Properties, LLC, a Kansas Limited Liability Company, to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of the same. In testimony whereof I have hereunto set my hand and affixed my notarial seal the day and year above written.

(SEAL)



Notary Public: *Cynthia A. Womack*

My Appointment Expires: February 7, 2017

K-96 DESTINATION DEVELOPMENT, INC.

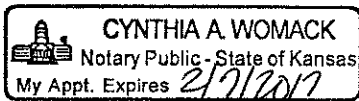
BY: \_\_\_\_\_

Michael J. Boyd, Manager

STATE OF KANSAS        )  
SEDGWICK COUNTY     )

Be it remembered that on this 15<sup>th</sup> day of July, 2013, before me a Notary Public in and for said State and County, came Michael J. Boyd, Manager, K-96 Destination Development, Inc., to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of the same. In testimony whereof I have hereunto set my hand and affixed my notarial seal the day and year above written.

(SEAL)



Notary Public: \_\_\_\_\_

Cynthia A. Womack

My Appointment Expires: February 2, 2017

APPROVED AS TO FORM:

\_\_\_\_\_  
Gary E. Rebenstorf, Director of Law  
City of Wichita, Kansas



COPY

**NOTICE OF COMMUNITY UNIT PLAN**

THIS NOTICE made this \_\_\_\_\_ day of \_\_\_\_\_, 2013, by Medical Practice Association Properties, LLC, a Kansas Limited Liability Company; and K-96 Destination Development, Inc., hereinafter called "Declarant".

WITNESSETH

WHEREAS, declarant is the owner of all or a portion of the following described property:

K96 and Greenwich North Addition to Wichita, Sedgwick County, Kansas.

WHEREAS, declarant is desirous to file notice that a community unit plan approved by the Wichita City council is on file with Metropolitan Area Planning Department, located on the 10th Floor, City Hall, Wichita, Kansas, (316)268-4421.

NOW, THEREFORE, the declarant wants to make notice that the approved C.U.P. (DP-333) has placed restrictions on the use and requirements on the development of the above described real property. The community unit plan shall be binding on the Owners, the heirs, successors, or assigns, and is a document running with the land and is binding on all successors in title to Summit Crossing Addition to Wichita, Sedgwick County, Kansas.

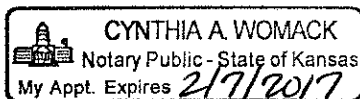
EXECUTED the day and year first written above

**MEDICAL PRACTICE ASSOCIATION PROPERTIES, LLC**  
**A Kansas Limited Liability Company**

By: *Lorene Valentine*  
Lorene Valentine, Manager

Sedgwick County ) SS  
State of Kansas )

Be it remembered that on this 15<sup>th</sup> day of July, 2013, before me a Notary Public in and for said State and County, came Lorene Valentine, Manager, Medical Practice Association Properties, LLC, a Kansas Limited Liability Company to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of the same. In testimony whereof I have hereunto set my hand and affixed my notarial seal the day and year above written.



*Cynthia A. Womack*  
Notary Public

My Commission Expires: February 7, 2017

K-96 DESTINATION DEVELOPMENT, INC.

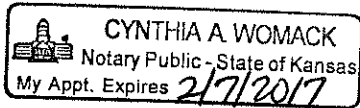
By: [Signature]  
Michael J. Boyd, Manager

ATTEST:

Sedgwick County        ) SS  
State of Kansas        )

BE IT REMEMBERED, that on this 15<sup>th</sup> day of July, 2013, before me, the undersigned, a Notary Public in and for the State and County aforesaid, came Michael J. Boyd, Manager, K-96 Destination Development, Inc., to me personally known to be the person who executed the foregoing instrument, and duly acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, the day and year last above written.



Cynthia A. Womack  
Notary Public

My Commission Expires: February 7, 2017

APPROVED AS TO FORM:

\_\_\_\_\_  
Gary E. Rebenstorf, Director of Law  
City of Wichita, Kansas

COPY

**CROSS-LOT CIRCULATION AGREEMENT**

THIS DECLARATION, made this \_\_\_\_\_ day of \_\_\_\_\_, 2013, by Medical Practice Association Properties, LLC, a Kansas Limited Liability Company; and K-96 Destination Development, Inc.

W I T N E S S E I H: That,

WHEREAS, Declarant(s) are the owners of lots in the K96 and Greenwich North Addition, an addition to Wichita, Sedgwick County, Kansas, which addition is presently in the process of being platted; and

WHEREAS, as a part of the platting process it is necessary to provide a cross-lot circulation agreement for the benefit of all lots in said Addition; and

WHEREAS, Declarant(s) are the owners of the property to be burdened by said agreement and desires hereby to establish the same.

NOW, THEREFORE, Declarant(s) hereby declare and establishe the cross-lot circulation agreement, as follows:

1. Declarant grants to all future Owners, their agents, assigns, lessees, customers, invitees, licensees, tenants and employees a nonexclusive easement over, through, and around the common areas for driveways, walkways, ingress and egress, parking motor vehicles, and the loading and unloading of commercial and other vehicles. All entrances, exits, aisleways and driveways shall be unobstructed so that vehicular and pedestrian traffic may easily move to and from adjoining lots within the common area and the adjacent streets.
2. The rights herein granted and all provisions hereof shall be deemed covenants that shall run with the land and shall inure to the benefits of and be binding upon Declarant and its successors and assigns.

IN WITNESS WHEREOF, this Declaration has been executed the date first above written.

**MEDICAL PRACTICE ASSOCIATION PROPERTIES, LLC**  
**A Kansas Limited Liability Company**

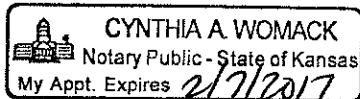
By: *Lorene Valentine*  
Lorene Valentine, Manager

ATTEST:

Sedgwick County            ) SS  
State of Kansas            )

BE IT REMEMBERED, that on this 15<sup>th</sup> day of July, 2013, before me, the undersigned, a Notary Public in and for the State and County aforesaid, came Lorene Valentine, Manager, Medical Practice Association Properties, LLC, a Kansas Limited Liability Company, to me personally known to be the person who executed the foregoing instrument, and duly acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, the day and year last above written.



*Cynthia A. Womack*  
Notary Public

My Commission Expires: February 7, 2017

K-96 DESTINATION DEVELOPMENT, INC.

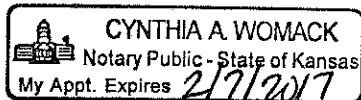
By:   
Michael J. Boyd, Manager

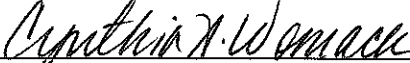
ATTEST:

Sedgwick County            ) SS  
State of Kansas            )

BE IT REMEMBERED, that on this 15<sup>th</sup> day of July, 2013, before me, the undersigned, a Notary Public in and for the State and County aforesaid, came Michael J. Boyd, Manager, K-96 Destination Development, Inc., to me personally known to be the person who executed the foregoing instrument, and duly acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, the day and year last above written.



  
Notary Public

My Commission Expires: February 7, 2017

APPROVED AS TO FORM:

\_\_\_\_\_  
Gary E. Rebenstorf, Director of Law  
City of Wichita, Kansas

Published in The Wichita Eagle on August 23, 2013

**ORDINANCE NO. 49-559**

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C, AS ADOPTED BY SECTION 28.04.010, AS AMENDED.

**BE IT ORDAINED BY THE GOVERNING BODY  
OF THE CITY OF WICHITA, KANSAS.**

**SECTION 1.** That having received a recommendation from the Planning Commission, and proper notice having been given and hearing held as provided by law and under authority and subject to the provisions of The Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, the zoning classification or districts of the lands legally described hereby are changed as follows:

**Case No. ZON2004-00069**

Zone change request from SF-5 Single-family Residential and LI Limited Industrial on property described as:

K96 and Greenwich North Addition, Wichita, Sedgwick County, Kansas.

Generally located on the east side of Greenwich, south of 29<sup>th</sup> Street North.

**SECTION 2.** That upon the taking effect of this Ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita-Sedgwick County Unified Zoning Code as amended.

**SECTION 3.** That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

**ADOPTED this 20th day of August, 2013.**

**ATTEST:**

\_\_\_\_\_  
Karen Sublett, City Clerk

\_\_\_\_\_  
Carl Brewer, Mayor

(SEAL)

APPROVED AS TO FORM:

\_\_\_\_\_  
Gary E. Rebenstorf, Director of Law

City of Wichita  
City Council Meeting  
August 13, 2013

**TO:** Wichita Airport Authority  
**SUBJECT:** Airfield High Reach Lift Vehicle Acquisition  
Wichita Mid-Continent Airport  
**INITIATED BY:** Department of Airports  
**AGENDA:** Wichita Airport Authority (Consent)

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**Recommendation:** Initiate the project and approve the budget.

**Background:** The Capital Improvement Program includes the purchase of grounds and structures maintenance equipment. The current Airport high reach vehicle was purchased in 1983, has exceeded its useful life, and no longer meets current safety standards. Additionally, the current equipment is not capable of accessing all of the elevated systems and structures of the new terminal and parking facilities.

**Analysis:** Reliable, safe, and efficient equipment used to access and maintain elevated systems and structures is critical to the operation of the Airport. Elevated surfaces include, but are not limited to, building structure surfaces, roof-mounted mechanical systems, multi-story parking garage, and pole-mounted lighting and cameras. This equipment purchase will allow Airport maintenance staff to safely access and maintain current and future elevated systems and structures.

**Financial Considerations:** A project budget is requested in the amount of \$130,000 to cover the equipment and related expenses. This project will be funded with Airport cash or through the issuance of General Obligation bonds repaid with Airport revenue.

**Legal Considerations:** This equipment will not be purchased utilizing federal funds, therefore allowing the Wichita Airport Authority to follow normal City of Wichita procurement procedures.

**Recommendations/Actions:** It is recommended that the Wichita Airport Authority approve the capital project budget.

**Attachments:** None.

Wichita, Kansas  
August 12, 2013  
10:00 a.m., Monday  
Conference Room, 12<sup>th</sup> Floor

## MINUTES - BOARD OF BIDS AND CONTRACTS\*

The Board of Bids and Contracts met with Martha Strayer, Administrative Assistant, Public Works Engineering in the Chair; Fanny Chan, Accountant, Finance, representing the Director of Finance, Trinh Bui, Budget Analyst, Budget Office, Clarence Rose, Senior Buyer, representing Purchasing, Eoghan Miller, Management Fellow, representing the City Manager's Office, and Janis Edwards, Deputy City Clerk, present.

Minutes of the regular meeting dated August 5, 2013, were read and on motion approved.

Bids were opened August 9, 2013, pursuant to advertisements published on:

WICHITA AIRPORT AUTHORITY/ENGINEERING DIVISION: Reconstruction of Terminal Apron Phase 3.

Defer one week

The Purchasing Division recommended that the contracts be deferred as outlined above, same being the lowest and best bid.

On motion the Board of Bids recommended that the contracts be deferred as outlined above, same being the lowest and best bid.

On motion the Board of Bids adjourned.

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Martha Strayer, Administrative Assistant,  
Department of Public Works

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Janis Edwards CMC  
Deputy City Clerk



**FORMAL BID REPORT**

**TO:** Robert Layton, City Manager

**DATE:** August 12, 2013

**WICHITA AIRPORT AUTHORITY BIDS – VICTOR WHITE, DIRECTOR OF AIRPORTS**

**July 19, 2013**

Reconstruction of Terminal Apron- Phase 3 at Wichita Mid-Continent Airport – Wichita Airport  
Authority/Engineering Division **(Defer to August 19, 2013)**

**ITEMS TO BE PURCHASED AS ADVERTISED IN THE OFFICIAL CITY NEWSPAPER.**

  
**Melinda A. Walker**  
**Purchasing Manager**

[ep.wichita.gov](http://ep.wichita.gov)**Bid Results**[Registration](#) [Solicitations](#) [Document Inquiry](#) [Login](#) [Help](#)

This page summarizes vendor responses by the bid total. Awarded vendors will be notified of their respective purchase orders/contracts.

**Vendor Group Line****Solicitation: FB340124** Reconstruction of  
Terminal Apron Phase 3**Close Date/Time: 7/19/2013 10:00 AM CST****Solicitation Type: Formal Bid**[Return to the Bid List](#)**Award Method: Aggregate Cost****Department: Airport Engineering****Responses: 2**

Vendors	Complete	Bid Total	City Comments
<a href="#">UTILITY CONTRACTORS INC</a>	Complete	\$5,408,797.00	Defer to 8-19-13 Wichita Airport Authority/Engineering Division
<a href="#">DONDLINGER &amp; SONS CONSTRUCTION CO INC</a>	Partial	\$6,126,317.84	

BIDS WITHIN ENGINEERS ESTIMATE

[Top of the Page](#)